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*ACT of March 24, 1817. 6 Smith, p. 462.*

*An act to prevent the practice of wagering or betting on elections.*

1. **SECT. I.** Wagering or betting on the event of an election, held under the constitution or laws of the United States, or the constitution or laws of this Commonwealth, are hereby prohibited, and all contracts or promises founded thereon, are declared entirely null and void. [*See below, Act of July 2, 1839, Sect. CXV—CXVIII.*]

2. **SECT. II.** If any person shall, after the first day of August next, lay any wager or bet, or make any promise or engagement for the payment of money or the transfer of any other valuable thing, dependent on the event of any such election as aforesaid, or on the success of any candidate or candidates nominated for public office, he shall, on conviction thereof in any court of Quarter Sessions, or other court having similar jurisdiction, be adjudged guilty of a misdemeanor, and shall be fined in any sum not exceeding the whole amount of the sum betted by all the parties to the wager, nor less sum than twenty dollars: *Provided*, That such prosecution shall be commenced within six months after the offence shall have been committed. [*Altered, see below, Act of July 2, 1839, Sect. CXV.*]

*ACT of April 16, 1838. Pamph. Laws, p. 519.*

*An act regulating election districts.*

3. **SECT. XXXVIII.** That no inspector, judge, or other officer of any election, shall be eligible to any office at such election, nor shall any person, holding any office under the general or state government, be an inspector, judge or other officer of any such election, nor shall any person, holding an office under the government of the United States, be allowed to serve as a member of city councils, commissioner of a district or burgess. [*See Sect. XIII, of Act of July 2, 1839, infra.*]

## OF THE ELECTIONS GENERALLY.

*ACT of July 2, 1839. Pamph. Laws, p. 519.*

*An Act relating to the elections of this Commonwealth.*

### I. OF THE ELECTION OF INSPECTORS OF THE GENERAL ELECTION.

4. **SECT. I.** That it shall be the duty of the constable or constables of each township, ward or district, at least ten days before the day hereinafter appointed for the election of inspectors, to give public notice, by six or more written or printed advertisements, affixed at as many of the most public places therein, of the time and place of holding such election.

**SECT. II.** In case of the neglect, refusal, death or absence from the county, of the constable or constables of any township, ward or district, the supervisors of the township or district, or the assessors of the ward, as the case may be, shall perform the duties hereinbefore required to be done by such constable or constables, under the like penalty: *Provided*, That the said supervisors or assessors shall not be required to give more than five days' notice of the time and place for holding such election.

**SECT. III.** The qualified citizens of the several wards, districts and townships, shall meet in every year, at the time and place of holding the election

for constable of such ward, district or township, and then and there elect, as hereinafter provided, two inspectors and one judge of elections. [*See infra* VII.]

SECT. IV. Each of such qualified citizens shall vote for one person as judge, and also for one person as inspector of elections, and the person having the greatest number of votes for judge shall be publicly declared to be elected judge; and the two persons having the greatest number of votes for inspectors, shall, in like manner, be declared to be elected inspectors of elections.

SECT. V. The elections, as aforesaid, shall be opened between the hours of eight and ten o'clock, in the forenoon, by a public proclamation thereof, made by the officers appointed to hold the same, and be kept open until seven o'clock, except in the city and county of Philadelphia, where it shall be kept open until eight o'clock, in the afternoon, when the polls shall be closed, the number of votes be forthwith ascertained, and the persons highest in vote publicly declared to be elected.

SECT. VI. The judges of the elections, within the limits of their respective wards, districts or townships, shall have power and are hereby required to decide on the qualifications of any person claiming to vote at any election, whenever the inspectors thereof shall disagree upon the right of such person to vote, but not otherwise, and the inspectors thereof shall, upon such decision, forthwith receive or reject the vote of such person, as the case may be.

SECT. VII. Where any township has been, or shall be, divided in forming an election district, the qualified citizens of each part of such divided township, shall severally elect in the manner and at the time and place aforesaid, two inspectors for each of said several election districts, and shall also elect one person to serve as judge of the elections in each district, to perform the duties enjoined by the sixth section of this act.

SECT. VIII—XII. [*Repealed and supplied by the act of June 13, 1840, infra* 10.]

## II. PROVISIONS RELATING TO THE GENERAL ELECTIONS.

SECT. XIII. It shall be the duty of the sheriff of every county to give notice of the general elections, by advertisements posted up in the most public places in every election district, or by publication in one or more newspapers of the county, at least twenty days before the election, and in every such advertisement he shall—

1. Enumerate the officers to be elected.

2. Designate the place at which the election is to be held.

3. He shall give notice that every person, excepting justices of the peace, who shall hold any office or appointment of profit or trust under the government of the United States, or of this State, or of any city or incorporated district, whether a commissioned officer or otherwise, a subordinate officer or gent, who is, or shall be, employed under the legislative, executive or judiciary department of this State, or of the United States, or of any city or incorporated district, and also that every member of Congress, and of the State Legislature, or of the select or common council of any city or commissioners of any incorporated district, is by law incapable of holding or exercising at the same time, the office or appointment of judge, inspector or clerk of any election of this Commonwealth, and that no inspector, judge or other officer of any such election, shall be eligible to any office to be then voted for. [*See infra* 8, 10.]

SECT. XIV. The general, special, city, incorporated district and township elections, and all elections for electors of president and vice president of the United States, shall be held and conducted by the inspectors and judges elected as aforesaid, and by clerks appointed as is hereinafter provided.

SECT. XV. The inspectors and judges, chosen as aforesaid, shall meet at the respective places appointed for holding the election in the district to which they respectively belong, before nine o'clock in the morning of the second Tuesday of October, in each and every year, and each of said inspectors shall appoint one clerk, who shall be a qualified voter of such district.



SECT. XVI. In case the person who shall have received the second highest number of votes, for inspector, shall not attend on the day of any election, then the person, who shall have received the second highest number of votes for judge at the next preceding election, shall act as an inspector in his place. And in case the person who shall have received the highest number of votes for inspector shall not attend, the person elected judge shall appoint an inspector in his place; and in case the person elected a judge shall not attend, then the inspector who received the highest number of votes shall appoint a judge in his place; and if any vacancy shall continue in the board for the space of one hour after the time fixed by law for the opening of the election, the qualified voters of the township, ward or district, for which such officer shall have been elected, present at the place of election, shall elect one of their number to fill such vacancy.

SECT. XVII. In case any clerk appointed under the provisions of this act shall neglect to attend at any election during said year, it shall be the duty of the inspector who appointed said clerk (or of the person filling the place of such inspector,) to forthwith appoint a suitable person as clerk, qualified as aforesaid, who shall perform said duties for the year.

SECT. XVIII. The inspectors, judges and clerks aforesaid, shall, before entering on the duties of their offices, severally take and subscribe the oath of affirmation hereinafter directed, which shall be administered to them by any judge, alderman or justice of the peace, but if no such magistrate be present, one of the inspectors of the election shall administer the oath or affirmation to the other judge and inspector, and then the inspector so qualified, shall administer the oath or affirmation to him. [*See Act of June 13, 1840, sec. 3 infra 11.*]

SECT. XIX. The following shall be the form of the oath or affirmation to be taken by each inspector, viz :

"I (A. B.) do that I will duly attend to the ensuing election during the continuance thereof, as an inspector, and that I will not receive any ticket or vote from any person, other than such as I shall firmly believe to be, according to the provisions of the constitution and the laws of this Commonwealth, entitled to vote at such election, without requiring such evidence of the right to vote as is directed by law, nor will I vexatiously delay or refuse to receive any vote from any person who I shall believe to be entitled to vote as aforesaid, but that I will in all things truly, impartially and faithfully perform my duty therein, to the best of my judgment and abilities, and that I am not directly or indirectly, interested in any bet or wager on the result of this election."

SECT. XX. The following shall be the oath or affirmation of each judge viz :

"I (A. B.) do that I will as judge duly attend to the ensuing election during the continuance thereof, and faithfully assist the inspectors in carrying on the same; that I will not give my consent that any vote or ticket shall be received from any person other than such as I firmly believe to be according to the provisions of the constitution and laws of this Commonwealth, entitled to vote at such election, without requiring such evidence of the right to vote as is directed by law, and that I will use my best endeavors to prevent any fraud, deceit or abuse, in carrying on the same; that I will make a true and perfect return of the said election, and will in all things truly, impartially and faithfully perform my duty respecting the same, to the best of my judgment and abilities, and that I am not directly or indirectly interested in any bet or wager on the result of this election."

SECT. XXI. The following shall be the form of the oath or affirmation to be taken by each clerk, viz :

"I (A. B.) do that I will impartially and truly write down the name of each elector who shall vote at the ensuing election, who



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shall be given me in charge, and also the name of the township, ward or district, wherein such elector resides, and carefully and truly write down the number of votes that shall be given for each candidate at the election, as often as his name shall be read to me by the inspectors thereof, and in all things truly and faithfully perform my duty respecting the same to the best of my judgment and ability; and that I am not directly or indirectly interested in any bet or wager on the result of this election."

SECT. XXII. It shall be the duty of the said clerks, forthwith to make out two copies of the forms of each of the saids oaths or affirmations, which shall be severally subscribed by each of the inspectors, judges and clerks, and the said oaths or affirmations shall be certified under the hands of the persons by whom they shall be administered.

## II. ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

SECT. XXIII. The election of representatives of the people of this Commonwealth in the Congress of the United States, shall take place on the second Tuesday in October, in the year one thousand eight hundred and forty, and on the second Tuesday in October in every second year thereafter, at the places appointed by law for holding the general elections.

SECT. XXIV. It shall be the duty of the sheriffs of the several counties, to give notice of such election in the manner hereinbefore required in the case of the general elections.

SECT. XXV. It shall be the duty of the governor, on the receipt of the returns of the election of members of the house of representatives of the United States, as aforesaid, by the Secretary of the Commonwealth, to declare by proclamation the names of the persons so returned as elected in the respective districts, and he shall also, as soon as conveniently may be thereafter, transmit the returns so made to the House of Representatives of the United States.

## IV. ELECTION OF ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

SECT. XXVI. The citizens of this Commonwealth, qualified as is herein provided, shall, at their several places of election, on the fifth Friday preceding the first Wednesday in December, in the year one thousand eight hundred and forty, and on the same Friday in every fourth year thereafter, elect a sufficient number of persons to be electors of a President and Vice President of the United States.

SECT. XXVII. It shall be the duty of the sheriff of the respective counties, to give like notice of such election as is hereinbefore required of the election of members of the general assembly.

SECT. XXVIII. At every such election every qualified citizen shall be entitled to vote, by delivering to the proper officer a written or printed ticket, containing the names of a number of persons equal to the whole number of senators and representatives, to which this state may be entitled in the Congress of the United States.

SECT. XXIX. It shall be the duty of the secretary of the Commonwealth, on receiving the returns of the election of electors, as hereinafter directed, to lay them before the Governor, who shall enumerate and ascertain the number of votes given for each person so voted for, and shall thereupon declare, by proclamation, the names of the persons duly elected, and shall cause a notification of his election, to be delivered to each person so chosen, on or before the last Wednesday in the month of November, next after such election.

SECT. XXX. The electors chosen, as aforesaid, shall assemble at the seat of government of this Commonwealth, at twelve o'clock of the day which is or may be directed by the Congress of the United States, and shall then and there perform the duties enjoined upon them by the constitution and laws of the United States.

SECT. XXXI. If any such elector shall die, or from any cause fail to attend at the seat of government, at the time appointed by law, the electors present shall proceed to choose *viva voce* a person to fill the vacancy occasioned thereby and immediately after such choice, the name of the person so chosen shall be transmitted by the presiding officer of the college to the Governor, whose duty it shall be forthwith to cause notice in writing to be given to such person of his election, and the person so elected (and not the person in whose place he shall have been chosen) shall be an elector, and shall, with the other electors, perform the duties enjoined on them as aforesaid.

SECT. XXXII. Every elector aforesaid shall receive from the State Treasurer the sum of three dollars for every day spent in travelling to, remaining at, and returning from the place of meeting aforesaid. And the contingent expenses of the electoral college, not exceeding fifty dollars in amount, shall likewise be paid by the State Treasurer in both cases, upon warrants drawn by the presiding officer of the college.

SECT. XXXIII. In the event of an election of President and Vice President taking place at any other period than that mentioned in this act, the election of electors shall, in all respects, be held, conducted and concluded as is hereinbefore provided.

## V. ELECTION TO SUPPLY VACANCIES.

### 1. *In the office of Governor.*

SECT. XXXIV. In case any vacancy shall occur in the office of Governor of this Commonwealth more than three calendar months next preceding the second Tuesday in October in any year, it shall be the duty of the Speaker of the Senate, or whoever shall be in the exercise of the office of Governor, to issue his writs to the sheriffs of the several counties, requiring them to give the usual notice that an election to supply such vacancy will take place on the second Tuesday in October next thereafter, and when such vacancy occurs within three calendar months before the second Tuesday in October, it shall be the duty of the Speaker of the Senate, or whoever shall be in the exercise of the office of Governor, to issue his writs, as aforesaid, requiring notice of such election on the second Tuesday in October next, after the issuing of said writ, and in each case said writ shall issue at least three calendar months before the election.

### 2. *In the Legislature of the Commonwealth.*

SECT. XXXV. Every writ which shall be issued by the Speaker of either House of the Legislature, in pursuance of the constitution of this Commonwealth to supply a vacancy in such house, shall be directed to the sheriff or sheriffs of the proper county or counties, as the case may be, and shall particularly express the day on which the election shall be held to supply such vacancy. If such writ shall be issued by the Speaker of the Senate during the recess of the Legislature, he shall, except as is hereinafter provided, direct the election to be held at the time appointed for holding the general elections.

SECT. XXXVI. If such vacancy shall happen during the session of the Legislature, or if the members shall be required by their own adjournment, or by the Governor, to meet at some time previous to the next general election, the speaker issuing the writ, shall appoint a time as early as may be convenient, not exceeding thirty days thereafter, for holding such election. But if the adjournment of such an election cannot be made before the time appointed for the adjournment of the Legislature, such writ shall not be issued, or if issued, shall be countermanded in the case of a vacancy in the House of Representatives, be countermanded and in case of a vacancy in the Senate, shall by another writ issued as aforesaid be extended until the next general election.

SECT. XXXVII. If, after a writ shall have been issued directing the election to fill such vacancy to take place on the day of the general election, or countermanding a previous writ, as aforesaid, the Governor shall issue his proclamation for convening the legislature, the sheriff to whom such writ shall be



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rected, shall give notice, as is hereinafter provided, of an election to be held within thirty days after the date of such proclamation.

SECT. XXXVIII. Every writ for holding a special election, as aforesaid, shall be delivered to the sheriff, to whom the same shall be directed, at least fifteen days before the day appointed for such election, who shall forthwith give due and public notice thereof throughout the county, at least ten days before such election, and shall send a copy thereof to at least one of the inspectors of each election district therein.

*3. In the House of Representatives of the United States.*

SECT. XXXIX. Every writ which shall be issued by the Governor of this Commonwealth, in pursuance of the Constitution of the United States, to supply a vacancy in the representation of the people of this Commonwealth in the House of Representatives of the United States, shall be directed to the sheriff of the county or counties, composing the congressional district, and shall particularly express the day on which the election shall be held to supply such vacancy.

SECT. XL. If such vacancy shall happen during the session of Congress, or Congress shall be required to meet at some time previous to the next general election, the Governor shall appoint a time as early as may be convenient for holding such election, otherwise he shall direct the election to be held at the time appointed for holding the general election.

SECT. XLI. Every writ for holding a special election, as aforesaid, shall be delivered to the sheriff to whom the same may be directed, at least fifteen days before the day appointed for such election, who shall forthwith give due and public notice thereof throughout the county, at least ten days before such election, and shall send a copy thereof to at least one of the inspectors of each election district therein.

SECT. XLII. When the returns of any special election for a member of the House of Representatives of the United States, shall be received by the Secretary of the Commonwealth, the Governor shall declare by proclamation the name of the person elected; and he shall also, as soon as conveniently may be thereafter, transmit the returns so made to the House of Representatives of the United States.

**I. PROVISIONS IN CASE ANY OF THE MILITIA OR VOLUNTEERS SHALL BE IN ACTUAL SERVICE AT THE TIME OF THE GENERAL ELECTION.**

SECT. XLIII. Whenever any of the citizens of this Commonwealth qualified hereinbefore provided, shall be in any actual military service in any detachment of the militia or corps of volunteers, under a requisition from the President of the United States, or by the authority of this Commonwealth, on the day of the general election, as aforesaid, such citizens may exercise the right of suffrage at such place as may be appointed by the commanding officer of the troop, or company, to which they shall respectively belong, as fully as if they were present at the usual place of election, *Provided*, That no member of any troop or company, shall be permitted to vote at the place so appointed, if at the time of such election he shall be within ten miles of the place at which he would be entitled to vote, if not in service as aforesaid.

SECT. XLIV. The proceedings for conducting such elections shall be as far practicable, in all respects the same as are herein directed in the case of general elections, except that the captain or commanding officer of each company or troop shall act as judge, and that the first lieutenant or officer second in command, shall act as inspector, at such election, so far as shall relate to such company or troop; and in case of the neglect or refusal of such officers, or either of them, to serve in such capacity, the officer or officers next in command, in such company or troop, shall act as judge or inspector, as the case may be.

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SECT. XLV. The officer authorized to perform the duties of judge, shall administer the proper oath or affirmation to the officer who shall act as inspector and as soon as such officer shall have been sworn or affirmed he shall administer the proper oath or affirmation to the officer whose duty it shall be to act as judge, and such officer acting as judge shall appoint two persons to act as clerks, and shall administer to them the proper oaths or affirmations.

SECT. XLVI. The several officers authorized to conduct such election shall take the like oaths or affirmations, shall have the like powers, and they, as well as other persons who may attend, vote, or offer to vote, at such election, shall be subject to the like penalties and restrictions, as are declared or provided in this act, in the case of elections by the citizens at their usual places of election.

SECT. XLVII. Within three days after such election, the judges thereof shall respectively transmit through the nearest post office, a return thereof, together with the tickets, tally lists and lists of voters, to the prothonotary of the county in which such electors would have voted, if not in military service. And the said judges shall transmit another return of such election to the commanding officer of the regiment or battalion, as the case may be, who shall make a general return under his hand and seal, of the votes of all the companies or troops under his command, and shall transmit the same through the nearest post office to the Secretary of the Commonwealth.

SECT. XLVIII. It shall be the duty of the prothonotary of the county, to whom such returns shall be made, to deliver to the return judges of the same county, a copy certified under his hand and seal, of the return of votes so transmitted to him by the judges of the election in the companies or troops aforesaid.

SECT. XLIX. The return judges of the proper county or counties, in which the volunteers or militia men aforesaid may have resided at the time of being called into actual service as aforesaid, shall meet on the second Tuesday of November next after the election. And when two or more counties are connected in the election, the meeting of the judges from each county shall be postponed in such case until the Friday following the said second Tuesday in November.

SECT. L. The return judges so met, shall include in their enumeration the votes so returned, and thereupon shall proceed in all respects in the like manner as is provided in this act, in cases where all the votes shall have been given at the usual place of election.

## VII. OF THE ELECTION OF TOWNSHIP OFFICERS.

SECT. LI. The elections for assessors in the several townships, wards, and districts in this Commonwealth, shall be held and conducted under the same regulations as are hereinbefore provided.

SECT. LII. The election for all other township officers authorized by law shall take place as follows: It shall be the duty of the constable of every township, at least ten days before the day appointed by law for the election of the said township officers, to give public notice by ten or more printed or written advertisements, affixed at as many of the most public places therein, of the time and place of holding such election. [*Repealed and supplied by act of June 1, 1840, sections II. XVI, infra, 10.*]

SECT. LIII. The election for the said township officers shall be held during the same hours, and by the persons appointed to hold the election of inspectors and assessors, on the third Friday in March, of every year, except in the counties of Bradford, Susquehanna, Potter, M'Kean, Clearfield, Lycoming, Wayne and Pike, the township elections of which shall be held on the third Friday in February, of every year. [*See antea, Counties and Townships, p. 177.*]

SECT. LIV. It shall be the duty of the said inspectors and judge to make out a certificate of the election of each township officer aforesaid, which shall be signed by them and delivered to the constable of the proper ward, district or



THE 7 15  
ELECTION LAWS  
OF  
PENNSYLVANIA:

(DIGESTED AND ARRANGED, WITH NOTES OF JUDICIAL  
DECISIONS;)

·BEING ALL THE LAWS, OF A PUBLIC AND GENERAL NATURE, IN FORCE  
ON THIS SUBJECT; INCLUDING THOSE RELATIVE TO PHILADELPHIA  
CITY AND COUNTY;

UP TO THE YEAR 1848 INCLUSIVE.

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EXTRACTED FROM THE "DIGEST OF THE LAWS OF PENNSYLVANIA,"  
BY MORDECAI M'KINNEY, AND PUBLISHED WITH ADDITIONS,  
BY THE AUTHOR OF THAT WORK.

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PHILADELPHIA :  
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1848.

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township, and by him delivered to the said officer or left at his usual place of abode within six days thereafter.

SECT. LV. [*Repealed and supplied by act of June 13, 1840, infra, 10.*]

SECT. LVI. It shall be lawful for the electors of any township, ward or district, to change the place for holding the elections for inspectors, and other officers of such township, ward or district in the manner following, to wit :

1. On the requisition in writing of at least thirty of the electors of the township, ward or district, in case there are one hundred or more taxables in said township, ward or district, or of ten electors in case there are less than one hundred taxables in said township, ward or district, the constable shall give notice by at least ten printed or written handbills, set up in the most public places within such township, ward or district, at least fifteen days before the time appointed for the purpose, that a meeting of the electors of the township, ward or district, as the case may be, will be held at the usual place of holding elections therein, at a certain day and hour to be appointed in such notice, for the purpose of determining upon the expediency of changing the place of holding such elections.

2. If at least fifty electors of said ward, district or township, provided there be one hundred or more electors in said township, ward or district, or twenty electors of said township, ward or district, provided there be less than one hundred electors in said township, ward or district, be present at the time appointed, the constable shall organize the meeting, and if at such meeting a majority of the electors present shall determine by ballot that it is expedient to change the place of holding such election, two certificates thereof and of the names of the qualified citizens, voting at such meeting shall be made out and signed by the officers of the meeting and attested by the constable, one of which shall be delivered by the constable to the town clerk, if there be one, and the other to the prothonotary of the Court of Common Pleas of the county, to be filed in his office.

SECT. LVII, LVIII. [*Repealed and supplied by act of June 13, 1840, infra, 10.*]

SECT. LIX. It shall be the duty of the said assessors, respectively, to attend at the place of holding every general, special or township election, during the whole time said election is kept open, for the purpose of giving information to the inspectors and judge, when called on, in relation to the right of any person assessed by them to vote at such election, or such other matters in relation to the assessment of voters, as the said inspectors or judge, or either of them, shall from time to time require, for which attendance said assessor shall be entitled to the sum of one dollar per day, to be paid as officers of election are paid by law, and when the township is divided for which said assessor is elected, he shall attend at the election district in which he resides and is entitled to vote.

## VIII. GENERAL PROVISIONS RELATING TO ELECTIONS BY THE CITIZENS.

SECT. LX. [*Repealed and supplied by act of June 13, 1840, infra, 10.*]

SECT. LXI. Every general and special election shall be opened between the hours of eight and ten in the forenoon, and shall continue without interruption or adjournment until seven o'clock in the evening, when the polls shall be closed ; except in the city and county of Philadelphia, the polls shall not be closed before ten o'clock in the evening.

SECT. LXII. The inspectors shall be placed so as most conveniently to receive the tickets of the electors, and over or near to the door, window or other place at which the tickets are received, the name of the township, ward or district whose inspectors shall be there placed, shall be written or printed in legible characters, so that the electors may readily find the inspectors to whom their tickets are to be delivered.

SECT. LXIII. No person shall be permitted to vote at any election, as aforesaid, other than a white freeman of the age of twenty-one years or more, who shall have resided in this State at least one year, and in the election district where he offers to vote at least ten days immediately preceding such election, and within two years paid a State or county tax which shall have been assessed

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at least ten days before the election. But a citizen of the United States, who had previously been a qualified voter of this State, and removed therefrom and returned, and who shall have resided in the election district and paid taxes as aforesaid, shall be entitled to vote after residing in this State six months. *Provided*, That white freemen, citizens of the United States, between the ages of twenty-one and twenty-two years, and having resided in this State one year, and in the election district ten days as aforesaid, shall be entitled to vote, although they shall not have paid taxes.

SECT. LXIV. Every person claiming a right to vote at any election as aforesaid, shall, if required by either of the inspectors, make proof:

1. That he is a natural born citizen of this Commonwealth, or
2. That he was settled therein on the twenty-eighth of September, one thousand seven hundred and seventy-six, and has since continued to reside therein, or
3. That having been a foreigner, who since that time came to settle therein he took an oath or affirmation of allegiance to the same on or before the twenty-sixth of March, Anno Domini, one thousand seven hundred and ninety, agreeable to the then existing constitution and laws, and as evidence of any of the said facts, the oath or affirmation of such person shall be sufficient, or
4. That he is a natural born citizen of some other of the United States, and had been lawfully admitted or recognized as a citizen thereof, on or before the twenty-sixth day of March, one thousand seven hundred and ninety, and as evidence thereof he shall, if required by any judge or inspector of the election produce a certificate in due form from some judge, prothonotary or clerk of court, mayor, alderman or justice of the peace, or shall be examined on his oath or affirmation, or
5. That having been an alien he has been naturalized conformably to the laws of the United States, and as the only evidence thereof he shall produce a certificate thereof under the seal of the court where such naturalization took place, except where such person shall have resided in said ward, district or township, for ten years or upwards next preceding such application to vote, in which case the oath of such applicant shall be prima facie evidence of naturalization.

SECT. LXV. No person shall be admitted to vote whose name is not contained in the list of taxable inhabitants furnished by the commissioners, aforesaid, unless, First: He produce a receipt for the payment within ten years, of a State or county tax assessed agreeably to the constitution, and give satisfactory evidence either on his own oath or affirmation, or the oath or affirmation of another, that he has paid such a tax, or on failure to produce a receipt, shall make oath to the payment thereof, or, Second: If he claim a right to vote by being an elector between the ages of twenty-one and twenty-two years, he shall depose on oath or affirmation, that he has resided in the State at least one year next before his application, and make such proof of residence in the district as is required by this act, and that he does verily believe, from the accounts given him that he is of the age aforesaid, and give such other evidence as is required by this act, whereupon the name of the person so admitted to vote shall be inserted in the alphabetical list by the inspectors, and a note made opposite thereto by writing the word "tax," if he shall be admitted to vote on account of having paid a tax, or the word "age," if he shall be admitted to vote on account of his age, and in either case the reason of such vote shall be called out to the clerks, who shall make the like notes in the list of voters kept by them.

SECT. LXVI. In all cases, where the name of the person claiming to vote is not found on the list furnished by the commissioners and assessor, or where the right to vote whether found thereon or not is objected to by any qualified citizen, it shall be the duty of the inspectors to examine such person on oath as to his qualifications, and if he claims to have resided within the State for one year or more, his oath shall be sufficient proof thereof, but he shall make proof



by at least one competent witness, who shall be a qualified elector, that he has resided within the district for more than ten days next immediately preceding said election, and shall also himself swear that his bona fide residence, in pursuance of his lawful calling, is within the district, and that he did not remove into said district for the purpose of voting therein.

SECT. LXVII. Every person qualified as aforesaid, and who shall make due proof, if required, of his residence and payment of taxes, as aforesaid, shall be admitted, to vote in the township, ward or district in which he shall reside.

SECT. LXVIII. No inspector shall receive any ticket from any person other than an elector residing within the township, ward or district, for which such inspector shall have been elected or appointed.

SECT. LXIX. Every voter may deliver written or printed tickets as he shall see cause, but each ticket shall be on a separate piece of paper folded so as to conceal the name of the person or persons voted for, and containing on the outside fold the designation of the office, and that only thus—there shall be contained in one ticket the name of a person for Governor; in one other ticket the name or names of a senator or senators; in one other ticket the name or names of a member or members of the House of Representatives, and thus with respect to other offices as the case may be.

SECT. LXX. It shall be the duty of each inspector who shall receive the ticket of an elector, to call out aloud the name of such elector, which shall be entered by the clerks in separate lists, and the name shall be repeated by each of them, and the inspector shall insert the letter V in the margin of the alphabetical list, opposite to the name of such elector, and if such elector shall have been sworn or affirmed, or produced a certificate or other evidence, as before provided, of having been naturalized, the inspector shall also note the same in the margin of such list, and where proof of residence is made, shall also note the name of the person making such proof.

SECT. LXXI. All tickets folded and endorsed, as aforesaid, and personally delivered by the voter and none other, shall, by the respective inspectors, be deposited in separate boxes, according to the office designated on the back of the ticket, and shall there remain until the poll be closed.

SECT. LXXII. When the poll shall be closed, the boxes wherein the tickets shall have been deposited, shall be opened one by one, and the inspectors, in the presence of the judge, shall deliberately take out such tickets, and shall each read aloud the name or names written or printed thereon, respectively, and the clerks shall each carefully enter, as read, each ticket as it is taken from the box, and keep account of the same on papers prepared for the purpose, so that the number of votes for each candidate tallied thereon may be readily cast up and known.

SECT. LXXIII. If upon opening any ticket, as aforesaid, there be found any more names written or printed on any of them than there ought to be, or if any two or more such papers be deceitfully folded together, such tickets shall be rejected and not counted among the votes, but no ticket shall be rejected by reason of its containing fewer names than the proper number.

SECT. LXXIV. As soon as the election shall be finished, the tickets, list of taxables, one of the lists of voters, the tally papers and one of the certificates of the oath or affirmation, taken and subscribed by the inspectors, judges and clerks, shall all be carefully collected and deposited in one or more of the ballot boxes, and such box or boxes, being closely bound round with tape, shall be sealed by the inspectors and judge of the election, and together with the remaining ballot boxes, shall within one day thereafter be delivered, by one of the inspectors, to the nearest justice of the peace, who shall keep such boxes containing the tickets and other documents, to answer the call of any persons or tribunal authorised to try the merits of such election, and the other list of voters, tally papers and certificates, shall be enclosed by the said inspectors and judge in a sealed cover, directed to the prothonotary of the Court of Common Pleas of the county, and shall by some one of them be delivered into his office within three days thereafter, where the same shall be filed.

SECT. LXXV. As soon as all the votes given for any office shall be read of and counted, the judge shall publicly declare the number of votes given for each person for such office, and the inspectors and judge of each election district shall make out a certificate under their hands and seals, setting forth in words at length, the number of votes given for the several persons voted for, and distinguishing the office or station in respect to which the votes were given.

SECT. LXXVI. The said judge shall then take charge of the certificate aforesaid, and on the third day after the day of election shall produce the same at a meeting of one judge from each district within the same county, at the courthouse of the said county; and for the city and county of Philadelphia, at the state house in the said city, except where such judge by sickness or unavoidable accident is unable to attend, in which case one of the inspectors or clerks shall take charge of said certificate and perform the duties required of said judge: *Provided*, That if the third day after the election shall be Sunday, the meeting shall be held on the Monday next following.

SECT. LXXVII. When the qualified voters of more than one ward, township or district, meet at the same place to hold their election, it shall be the duty of the respective judges of said election districts, in addition to the certificate required in the seventy-sixth section of this act, to make out a fair statement and certificate of all the votes, which shall have been then and there given for each candidate, distinguishing the office or station which he shall have been voted for; and one of said judges shall take charge of said certificate, and also of the several certificates made out for each election district, as before directed, and produce the same at a meeting of all the judges in the county, in the manner prescribed in the seventy-eighth section of this act.

SECT. LXXVIII. The judges of the several election districts, in each county, being so met, shall select one of their number to act as president of the board, and also, select two suitable qualified electors of the county, either members of the board, or otherwise, to act as clerks, who, before entering on their duties, shall be severally sworn or affirmed to perform the duties of their office with honesty and fidelity; and on the board being so formed, it shall be the duty of the several return judges to deliver the certificates of election, in their respective districts, to the president of said board, who shall cause the clerks, in presence of said board, to add together the number of votes, which shall appear by said certificates, to have been given for any person or persons, in respect to each office or station; and said clerks, when not return judges, shall be allowed two dollars per day, in full for their services, and when return judges, fifty cents in addition to the pay allowed by law as judges, which, in either case, shall be paid out of the county treasury, on a certificate to the commissioners of the proper county, signed by the president of the board.

SECT. LXXIX. The clerks shall, thereupon, in presence of the judges, make out returns in the manner hereinafter directed, which shall be signed, by all the judges present, and attested by said clerks; and it shall not be lawful for said judges or clerks, in casting up the votes which shall appear to have been given, as shown by the certificates under the seventy-sixth and seventy-seventh sections of this act, to omit or reject any part thereof, except where, in the opinion of said judges, such certificate is so defective as to prevent the same from being understood and computed in adding together the number of votes, in which case, it shall be the duty of said clerks to make out a true and exact copy of said paper or certificate, to be signed by said judges, and attested by said clerks, and attached to, and transmitted with said return (where the same is directed to be transmitted) to the Secretary of the Commonwealth, and the original paper shall be deposited in the prothonotary's office, and by said officer copied and transmitted, with the return of said election, to the secretary, as aforesaid.

1. Duplicate returns of all the votes given for every person or persons, who shall have been voted for, for any office or station, which the electors of the county are entitled to choose of themselves, unconnected with any other county or district.



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2. Like returns of all the votes given in the county, for every person voted for as Governor.

3. Triplicate returns of all the votes given for any persons voted for in the county, as electors of President and Vice President of the United States.

SECT. LXXX. When the returns shall be completed, the president of the board of judges aforesaid, shall forthwith lodge one of each of such returns in the office of the prothonotary of the Court of Common Pleas of the county; and in case of an election of electors for President and Vice President of the United States, one other of the returns in the same office, and the other duplicates shall be transmitted as follows, viz :

1. In case of a Governor, the remaining duplicate shall be enclosed in an envelope, directed to the Speaker of the Senate, and endorsed according to the act, which having been sealed, shall be enclosed in another envelope, sealed and directed to the Secretary of the Commonwealth, and the same shall forthwith be placed, by the said president, in the nearest post office.

2. In case of electors of President and Vice President of the United States, and of members of the House of Representatives of the United States, and of county offices to be commissioned by the Governor, the remaining duplicate shall be enclosed in an envelope, sealed and directed to the Secretary of the Commonwealth, and in like manner placed, by the said president, in the nearest post office.

3. In case of the election of a Senator or Senators of this Commonwealth, the same shall be enclosed in an envelope, sealed and directed "to the Senate of Pennsylvania;" and in case of the election of a member or members of the House of Representatives of this Commonwealth, the same shall, in like manner, be enclosed in an envelope, sealed and directed "to the House of Representatives of Pennsylvania," and each of the said returns shall be enclosed in an envelope, and directed to the Secretary of the Commonwealth, and in like manner placed, by said president, in the nearest post office.

4. In case of county commissioners and county auditors, the remaining duplicates shall be lodged in the office of the prothonotary of the county. [See act of June 13, 1840, section XVI, *infra*, 10.]

SECT. LXXXI. When two or more counties shall compose a district for the choice of a member or members of the Senate of this Commonwealth, or of the House of Representatives of the United States, or of this Commonwealth, the judges of the election in each county having met as aforesaid, the clerks shall take out a fair statement of all the votes which shall have been given at such election, within the county, for every person voted for, as such member or members, which shall be signed by said judges, and attested by the clerks; and one of the said judges shall take charge of such certificate, and shall produce the same at a meeting of one judge from each county, at such place, in such district, as is or may be appointed by law for the purpose; which meeting shall be held on the seventh day after the election.

SECT. LXXXII. The judges of the several counties having met, as aforesaid, shall cast up the several county returns, and make duplicate returns of all the votes given for such office, in said district, and of the name of the person or persons elected, and one of the said returns, for each office, shall be deposited in the office of the prothonotary of the Court of Common Pleas of the county in which they shall meet, and the other shall be by said judges deposited in the nearest post office, sealed and directed to the Secretary of the Commonwealth, in the manner directed in parts two and three, of the eightieth section of this act.

SECT. LXXXIII. It shall also be the duty of the return judges, in every case, to transmit to each of the persons elected to serve in Congress, or in the Senate, or in the House of Representatives of this Commonwealth, a certificate of his election, within five days after the day of making up such return.

SECT. LXXXIV. It shall be the duty of the prothonotary of every county to whom the return of any election shall be delivered by the judges, as aforesaid,



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where such judges are required to send a copy of said return to the Secretary of the Commonwealth, to make out a copy of such return, certified under hand and official seal, and forthwith to transmit such copy, under a seal cover, to the Secretary of the Commonwealth, by placing the same in the next post office. It shall also be the duty of the prothonotary of every county to record all the election returns in a book to be procured for that purpose, and to lay the returns of the election of county commissioners and county auditors and of all township officers, before the Court of Quarter Sessions of such county.

SECT. LXXXV. It shall also be the duty of every prothonotary to give a certified copy of the list of voters and other papers deposited in his office by the judges of an election, to any person applying for the same, on payment of the usual fees as in other cases.

SECT. LXXXVI. If the returns of any elections, which, by this law, are directed to be transmitted to the Secretary of the Commonwealth shall not be received within fifteen days after the same are required to be deposited in the post office, it shall be the duty of said secretary to forthwith notify the prothonotary of the proper county to transmit, without delay, a certified copy of such returns.

SECT. LXXXVII. It shall be the duty of the Secretary of the Commonwealth on the receipt of the returns of the election of any township or county officer who is by law to be commissioned by the Governor, to forthwith lay the same before him; and on the first Tuesday of January, in each and every year, soon as the Senate shall convene, all returns of the election of Senators for that year to the Speaker of the Senate.

SECT. LXXXVIII. It shall be the duty of said secretary, between the hours of eleven o'clock, A. M., and one o'clock, P. M., on the first Tuesday in January, of each and every year, to take into the hall of the House of Representatives, the several returns of the elections of members of said house.

SECT. LXXXIX. In all cases of election to fill vacancies in either branch of the Legislature, the secretary shall, on receiving the returns of such election deliver the same without delay to the Speaker of the House, in which such vacancy occurred, and if said house is not in session when said return is received then the same shall be delivered so soon as said house convenes.

SECT. XC. It shall be the duty of said secretary, within five days after the meeting of the General Assembly, to deliver to the Speaker of the Senate the returns of the election of Governor, received by him from the several counties of this Commonwealth.

SECT. XCI. Whenever the returns of an election for Governor shall not be received from any county by the Secretary of the Commonwealth before the election of Governor shall be published, every such return so delayed shall be considered as void, unless the election be contested, in which case such return shall be allowed to be of the same validity, and liable to the same exceptions as other returns received in due time.

SECT. XCII. Every judge, inspector and clerk as aforesaid, shall receive the sum of one dollar and fifty cents, except in the city and county of Philadelphia where they shall receive two dollars each, for every day employed in the duties required of him by law, in conducting the general, special or township election to be paid by the treasurer of the proper county, on orders to be drawn upon him by the commissioners, which allowance shall be in full for his services and expenses other than the mileage hereinafter allowed, and in lieu of all kind of refreshment which may have been customary to provide, and no such expense for refreshment shall be paid or allowed by the commissioners of any county.

SECT. XCIII. Every return judge shall be allowed out of the treasury of his proper county, the sum of ten cents for every mile he shall necessarily have travelled in going to the place appointed by law, for the meeting of return judges, and in returning thence to his own house.

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SECT. XCIV. It shall be lawful for the governor of this Commonwealth, on the representation of the board of health, or of the municipal authority of any city, borough, town, or incorporated district in this Commonwealth, that from the prevalence of any malignant or contagious disease, in such city, borough, town or district, the lives of the electors may be in danger by attending at the places fixed by law for holding elections within the same, to direct the sheriff of the proper county to give notice that the election for such city, borough, town or district, will be held at such place within the limits, or in the neighborhood of the same, as he, the governor, may judge most safe and convenient, and it shall be the duty of such sheriff, to give public notice of such place, in the manner hereinbefore required, at least seven days before the day of election, under the same penalty, as is hereinafter provided.

SECT. XCV. No body of troops in the army of the United States, or of this Commonwealth, shall be present, either armed or unarmed, at any place of election within this Commonwealth, during the time of such election: *Provided*, That nothing herein contained shall be so construed as to prevent any officer or soldier, from exercising the right of suffrage in the election district to which he may belong, if otherwise qualified according to law.

SECT. XCVI. In all cases where a sheriff is directed to perform any duty by the provisions of this act, and said sheriff is absent from the district, or there is any vacancy in said office, the duty directed to be performed by the sheriff, shall be done and performed by the coroner of the proper county, who shall be entitled to the same fees and subject to like penalties.

SECT. XCVII. If the constables or supervisors of any township, ward or district, shall neglect or refuse to perform the duties herein required of him or them, they shall respectively, on conviction, be fined in any sum not less than fifty nor more than one hundred dollars.

SECT. XCVIII. If the commissioners of any county shall wilfully omit to insert in the list of taxables, delivered by them to the inspectors, as before directed, the name of any person duly assessed and returned to them by the assessor, they shall, on conviction thereof, be fined, and severally pay any sum not less than fifty nor more than one hundred dollars.

SECT. XCIX. If any person elected to serve as inspector or judge as aforesaid, and having received due notice thereof, shall neglect, or without good cause refuse to attend on the day of election at the time appointed by law, he shall in every such case forfeit the sum of twenty dollars.

SECT. C. If any inspector, judge or clerk, as aforesaid, shall neglect or refuse to take upon himself the duties of such office, he shall forfeit and pay the sum of fifty dollars, or having entered upon the same, shall afterwards neglect or refuse to perform the duties thereof according to law, he shall forfeit and pay the sum of one hundred dollars for every such offence.

SECT. CI. If any inspector, judge or clerk of an election, shall presume to act in such capacity before taking and subscribing the oath required by this act, he shall on conviction be fined in any sum not less than fifty, nor more than two hundred dollars.

SECT. CII. If any inspector, judge or clerk, as aforesaid, shall be convicted of any wilful fraud in the discharge of his duties, as aforesaid, he shall undergo an imprisonment for any term not less than three, nor more than twelve months, and be fined in any sum not less than one hundred dollars, nor more than five hundred dollars, and shall be for seven years thereafter disabled from holding any office of honor, trust or profit in this Commonwealth, and shall moreover be disabled for the term aforesaid, from giving his vote at any general or special election within this Commonwealth.

SECT. CIII. If any inspector or judge of an election, shall, knowingly, reject the vote of any qualified citizen, or knowingly, receive the vote of any person not qualified, or conceal from his fellow officers any fact on the knowledge of which such vote should by law be received or rejected, each of the persons so



offending, shall, on conviction, be punished in the manner prescribed in one hundred and seventh section of this act.

SECT. CIV. If any such inspector or judge shall receive the vote of any person, whose name shall not be returned on the list furnished by the commissioners or assessors, without first requiring the evidence directed in this act, person so offending shall, on conviction, be fined in any sum not less than fifty nor more than two hundred dollars.

SECT. CV. If any judge of an election, inspector, clerk or other person, before the poll shall be closed, shall unfold, open, or pry into any ticket, with design to discover the name of any candidate therein, every person so offending shall, on conviction, be fined in any sum not less than fifty nor more than one hundred dollars, and imprisoned for any time not less than one nor more than three months.

SECT. CVI. If any person shall embezzle or unlawfully deface, alter, change, substitute or destroy any ticket, list of voters, tally paper or certificate, taken or made at any election aforesaid; he shall on conviction suffer imprisonment for a term not less than twelve months nor more than three years, at the discretion of the court, and be fined in any sum not less than one hundred nor more than one thousand dollars.

SECT. CVII. If the commissioners of any county shall add or knowingly permit to be added, the name of any person to the list of taxable inhabitants furnished them by the assessor, and shall return such name to the inspectors of election, each commissioner concerned therein, shall on conviction thereof, be fined in any sum not less than fifty nor more than two hundred dollars.

SECT. CVIII. If any assessor shall intentionally neglect or refuse to assess any citizen of this Commonwealth, who is or shall be subject to assessment by law, or shall in like manner neglect or refuse to return the name of the person so assessed to the commissioners of the proper county, or intentionally neglect or refuse to perform any other duty enjoined on him by the provisions of this act, he shall, on conviction thereof, be fined in any sum not less than fifty nor more than two hundred dollars.

SECT. CIX. If the commissioners of any county shall neglect or refuse to furnish the inspectors of each election district within the said county, the list of papers and boxes, required by the sixtieth section of this act, each commissioner shall be subject to a penalty of fifty dollars.

SECT. CX. If any person shall prevent or attempt to prevent any officers at an election under this act, from holding such election, or use or threaten any violence to any such officer, or shall interrupt or improperly interfere with him in the execution of his duty, or shall block up or attempt to block up the window, or avenue to any window where the same may be holden, or shall riotously disturb the peace at such election, or shall use or practice any intimidation, threats, force or violence, with design to influence unduly or overawe any elector, or to prevent him from voting, or to restrain the freedom of choice of such person, on conviction, shall be fined in any sum not exceeding five hundred dollars, and be imprisoned for any time not less than one nor more than twelve months. And if it shall be shown to the court, where the trial of such offence shall be had, that the person so offending was not a resident of the city, ward, district or township where the said offence was committed, and not entitled to vote therein, then on conviction, he shall be sentenced to pay a fine of not less than one hundred nor more than one thousand dollars, and be imprisoned not less than six months nor more than two years.

SECT. CXI. It shall be the duty of every mayor, sheriff, deputy sheriff, alderman, justice of the peace, and constable or deputy constable, of every city, county, and township or district within this Commonwealth, whenever called upon by any officer of an election, or by any three qualified electors thereof to clear any window or avenue to any window, at the place of the general election, which shall be obstructed in such a way as to prevent voters from



approaching the same, and on neglect or refusal to do so on such requisition, said officer shall be deemed guilty of a misdemeanor in office, and on conviction, shall be fined in any sum not less than one hundred, nor more than one thousand dollars; and it shall be the duty of the respective constables of each ward, district or township within this Commonwealth, to be present in person or by deputy, at the place of holding such elections in said ward, district or township, for the purpose of preserving the peace as aforesaid.

SECT. CXII. It shall be the duty of every peace officer, as aforesaid, who shall be present at any such disturbance at an election as is described in this act, to report the same to the next Court of Quarter Sessions, and also the names of the witnesses who can prove the same; and it shall be the duty of said court to cause indictments to be preferred before the grand jury against the persons so offending.

SECT. CXIII. If it shall be made to appear to any Court of Quarter Sessions of this Commonwealth, that any riot or disturbance occurred at the time and place of holding any election under this act, and the constables who are enjoined by law to attend at such elections have not given information thereof, according to the provisions of this act, it shall be the duty of said court to cause the officer or officers, so neglecting the duty aforesaid, to be proceeded against by indictment for a misdemeanor in office, and on conviction thereof, the said officer shall be fined in any sum not exceeding one hundred dollars.

SECT. CXIV. It shall be the duty of the several Courts of Quarter Sessions of this Commonwealth, at the next term of said court after any election shall have been held under this act, to cause the respective constables in said county to be examined on oath, as to whether any breaches of the peace took place at the election within their respective townships, wards or districts; and it shall be the duty of said constables respectively to make return thereof as part of their official return at said court.

SECT. CXV. If any person or persons shall make any bet or wager upon the result of any election within this Commonwealth, or shall offer to make any such bet or wager, either by verbal proclamation thereof, or by any written or printed advertisement, challenge or invite any person or persons to make such bet or wager, upon conviction thereof, he or they shall forfeit and pay three times the amount so bet or offered to be bet.

SECT. CXVI. It shall be the duty of every judge, sheriff, mayor, alderman, justice of the peace or constable, knowing of any person having offended against the provisions of the one hundred and fifteenth section of this act, to commence proceedings against the person so offending; and it shall be the duty of the grand juries of the respective counties within this Commonwealth, to make a presentment of all such offences coming within their knowledge.

SECT. CXVII. It shall be the duty of the inspectors and judge of the election to reject the votes of all persons, who they, or any of them, shall know, or who shall be proven before them to have made, or who are in any manner interested in any bet or wager on the result of said election, and on the request of any qualified elector, said inspectors and judge shall receive proof to show the person so offering to vote has or has not made any such bet or wager, or is or is not interested therein.

SECT. CXVIII. It shall be the duty of the several constituted authorities having care and charge of the poor in the respective counties, districts and townships of this Commonwealth, knowing, or being informed under oath, of any person or persons having made any bet or wager of any land, goods, money, or thing of value, on the result of any election within this Commonwealth, or deposited the same in the hands of any person within their respective counties, districts or townships, to bring suit in the name of the Commonwealth of Pennsylvania, for the use of the poor of such county, district or township, against such depositor or stakeholder, where said bet is deposited in the hands of a third person, or against the party winning said bet, when the same is not so deposited, for the recovery of the amount so bet; and if on the trial it shall be made ap-

pear that said lands, goods, money, or thing of value, was bet on the result of any election within this Commonwealth, said guardians, directors or overseers of the poor shall be entitled to recover the amount or value thereof, for the use of the poor from said stakeholder, or person winning said bet, where there is no stakeholder. *Provided*, Said suit is brought within two years from the time of making said bet. And the stakeholder is hereby prohibited during said time to pay over the amount so bet to either of the parties, and shall be liable for the same whether such bet is paid over or delivered to the parties, or either of them or not, and the party winning shall in like manner be liable to the payment of the whole amount so bet, where the same is received by him. And said bet, or the value thereof, may be recovered as debts of like amount are by law recoverable; and if said guardians, directors or overseers of the poor shall neglect or refuse to bring such suit, they shall be guilty of a misdemeanor in office, and on conviction, shall be fined in any sum not less than the amount so bet, nor more than double the amount.

SECT. CXIX. If any person, not by law qualified, shall fraudulently vote at any election within this Commonwealth, or being otherwise qualified shall vote out of his proper district, or if any person knowing the want of such qualification, shall aid or procure such person to vote, the person or persons so offending, shall, on conviction, be fined in any sum not exceeding two hundred dollars, and be imprisoned for any term not exceeding three months.

SECT. CXX. If any person shall vote at more than one election district, or otherwise fraudulently vote more than once on the same day, or shall fraudulently fold and deliver to the inspector two tickets together, with the intent to illegally vote, or shall vote the same, or if any person shall advise and procure another so to do, he or they so offending, shall on conviction, be fined in any sum not less than fifty, nor more than five hundred dollars, and be imprisoned for any term not less than three, nor more than twelve months.

SECT. CXXI. If any person not qualified to vote in this Commonwealth agreeably to law, (except the sons of qualified citizens) shall appear at any place of election, for the purpose of issuing tickets or of influencing the citizens qualified to vote, he shall, on conviction, forfeit and pay any sum not exceeding one hundred dollars for every such offence, and be imprisoned for any term not exceeding three months.

SECT. CXXII. If any elector shall receive any gift or reward for his vote, in meat, drink, money or otherwise, he shall forfeit his right to vote at that election, and shall, on conviction, be fined in any sum not exceeding one hundred dollars, and suffer imprisonment for a term not less than one, nor more than six months.

SECT. CXXIII. If any person shall give or bestow any such gift or reward, in order to procure any person to be elected, or shall promise or attempt, either directly or indirectly, to confer any such gift or reward for such purpose, or shall attempt or endeavor to influence any voter by any offer or promise of any appointment, employment or pecuniary benefit, or by threats of loss of any appointment, employment or pecuniary benefit, he shall, on conviction, be fined in a sum not less than one hundred dollars, nor exceeding one thousand dollars, and suffer imprisonment not less than one, nor more than twelve months.

SECT. CXXIV. If any person shall wilfully and corruptly make or procure any person to make falsely any oath or affirmation, required or authorised by this act, such person shall suffer such penalties and disabilities as are incurred on conviction of wilful and corrupt perjury, or subornation of perjury.

SECT. CXXV. If any person shall knowingly publish, utter, or make use of any forged or false receipt, or certificate, with intent to impose the same upon or deceive any inspector or judge at any election, as aforesaid, such person shall on conviction, be fined in any sum not less than fifty, or more than five hundred dollars, and suffer imprisonment not less than six months, nor more than two years.

SECT. CXXVI. If any prothonotary or sheriff shall neglect or refuse to per-



form any of the duties hereinbefore enjoined upon him, or shall willfully misbehave in the doing thereof, he shall, on conviction thereof, be fined in any sum not less than one hundred, nor exceeding five hundred dollars, and shall suffer imprisonment for a term not exceeding twelve months.

SECT. CXXVII. If any justice of the peace shall refuse to receive any ballot box delivered to him, as is hereinbefore provided, or having received the same, shall neglect the safe keeping thereof, he shall, on conviction of any such refusal or neglect, be fined in any sum not less than one hundred, nor more than one thousand dollars.

SECT. CXXVIII. Every specific fine or forfeiture, imposed by this act, may be recovered by action of debt, in the name of the Commonwealth, as debts of like amount are by law recoverable, or by indictment in the Court of Quarter Sessions of the proper county; and where the fine and forfeiture is not specific, the proceeding shall be by indictment in the Quarter Sessions of the proper county: *Provided*, That all such suits and prosecutions shall be instituted within one year next after the cause thereof shall accrue, unless otherwise herein provided.

## IX. OF THE TRIAL OF CONTESTED ELECTIONS.

### 1. *In the cases of Governor and Members of the Legislature of this Commonwealth.*

SECT. CXXIX. The election of any person as Governor, or as member of either branch of the Legislature, may be contested on the petition of qualified electors of this Commonwealth, under the following regulations and restrictions; but no petition complaining of an undue election, or false return of a person elected Governor, Senator or member of the House of Representatives, shall be acted upon by the Legislature, unless

1. The same be presented within ten days after the organization of the Legislature next succeeding the election.

2. Nor unless the same be signed, in the case of a Governor, by at least fifty qualified electors; and in case of a Senator or Representative, by at least twenty such electors of the proper district, city or county.

3. Nor unless the same shall be accompanied by an affidavit, taken and subscribed by at least five of the petitioners, before some person having authority to administer oaths, that the facts stated in such petition are true to the best of their knowledge and belief.

4. Nor unless the same be accompanied by a certificate from the treasurer, prothonotary, or one of the commissioners of the county in which the petitioners reside, setting forth that the said petitioners, or as many of them as are hereinbefore required, were, at the time of signing the same, duly qualified electors.

SECT. CXXX. In the case of a Governor, every such petition shall be delivered to the Speaker of the Senate, who shall immediately give information thereof to both houses. And such petition being read in each house, shall be laid on the table, without any question being thereon taken, until the two houses shall proceed thereon, which proceeding shall be as follows:

SECT. CXXXI. The Senate and House of Representatives, on a day and hour to be agreed upon between them, not exceeding five days after the delivery of the petition, shall convene in the hall of the House of Representatives, where the petition shall be read by the Speaker of the Senate. The names of the members of each house shall then be called over by the respective clerks, and a quorum of each house being present, a joint committee shall be formed as follows:

1. The names of all the Senators present, except the Speaker, shall be written on distinct pieces of paper, as nearly alike as may be, each of which shall be rolled up, and put into a box, by the clerk of the House of Representatives, and placed on the Speaker's table.



2. The clerk of the Senate having shaken and intermixed the said papers, shall draw them out one by one, and put them alternately into three boxes, also placed on the Speaker's table.

3. When the whole number shall be so distributed, the clerk of the House of Representatives shall shake and intermix the papers in each box, and shall draw alternately from each box the papers so rolled up, and shall deliver them singly to the Speaker of the House of Representatives.

4. The Speaker of the House of Representatives shall open the said papers singly, and read aloud the name of each, and then deliver the papers singly to the Speaker of the Senate, who shall place them openly on the table.

5. A member of each house to be designated for the purpose by the respective Speaker, shall take down in writing the name so called, and shall each of them repeat aloud the name he has written, until the number of twelve names be drawn out and written down.

SECT. CXXXII. The like proceeding shall then be had for the drawing of twenty-five members of the House of Representatives, for the said purpose, excepting ;

1. That the duties hereinbefore enjoined upon the clerk of the House of Representatives, shall be performed by the clerk of the Senate.

2. That the duties hereinbefore enjoined upon the clerk of the Senate, shall be performed by the clerk of the House of Representatives.

3. That the duties hereinbefore enjoined upon the Speaker of the House of Representatives, shall be performed by the Speaker of the Senate.

4. That the duties hereinbefore enjoined upon the Speaker of the Senate, shall be performed by the Speaker of the House of Representatives, whose name shall not be placed in the box.

SECT. CXXXIII. If any objection be made, by either of the parties, to any member so drawn by lot, such member shall be discharged, and another name shall be drawn to supply the place, and so on, until the whole number of twelve members of the Senate, and twenty-five of the House of Representatives, shall be completed ; and in all cases the members drawn in place of those objected to shall be in like manner liable to be set aside, and others shall be drawn in their places, but if so many be set aside by reason of objections, as aforesaid, that there shall not remain more than the number aforesaid, then no further objection shall be admitted.

SECT. CXXXIV. When the number aforesaid shall be completed, the clerk of the House of Representatives shall draw out, one by one, the names of the remaining members of the Senate, and deliver them singly to the Speaker of the House of Representatives, who shall unfold and read them aloud ; and the clerk of the Senate shall, in like manner, draw out the names of the remaining members of the House of Representatives, and deliver them singly to the Speaker of the Senate, who shall unfold and read them aloud ; and if any unfairness or mistake shall be then discovered therein, the whole proceedings shall be set aside, and the same shall be renewed in manner and form hereinbefore directed ; but after the committee is sworn, no objection, for such cause, shall be received.

SECT. CXXXV. When the proceedings aforesaid, shall be concluded, a list of the twelve members of the Senate, and a separate list of the twenty-five members of the House of Representatives, so drawn, shall be given to each of the parties, who shall immediately withdraw to some adjoining room with a clerk or member appointed by the joint vote of members present, where they shall proceed to strike off alternately the names upon such list, until the number shall be reduced to four members of the Senate, and nine of the House of Representatives.

SECT. CXXXVI. On the parties withdrawing to form such select committee, the members of both houses shall continue convened, and the members whose names shall have been drawn out of the boxes, shall not depart the conference

room without leave, until the time and place for the meeting of the select committee, shall be fixed, as is hereinafter provided.

SECT. CXXXVI. Within one hour from the time of withdrawing, as aforesaid, the parties shall deliver to the Speaker of the Senate the names of the said four members of the Senate, and nine of the House of Representatives, remaining on the list, who shall then respectively take an oath or affirmation, to be administered by the Speaker of the Senate, to "try the matter of the petition and to give a true judgment thereon according to the evidence, unless the committee shall be dissolved."

SECT. CXXXVIII. The time and place for the meeting of the select committee, so appointed, shall then be directed by the joint vote of the members of both houses, which time shall be within twenty-four hours of the appointment.

SECT. CXXXIX. If any person appointed a member of such select committee shall, at the time of such appointment, swear or affirm that he cannot without great inconvenience serve on such committee, he shall be excused, and in such case another shall be substituted. But if any member of such committee shall neglect to attend upon the committee, his name shall be reported in writing to the house of which he shall be a member, and unless satisfactory reasons be given for his non-attendance, he shall be reprimanded by the Speaker of the House of which he is a member.

SECT. CXL. The select committee so chosen shall on their first meeting elect a chairman from among themselves, and in the event of the death or unavoidable absence of such chairman, they shall choose another in his place, and if in any such election there shall be an equal number of votes the member whose name was first drawn shall have a casting vote.

SECT. CXLI. The select committee shall sit from day to day, Sundays excepted, at such hours as shall not interfere with their attendance in the legislature, but unless nine of their number be present, the committee after waiting one hour, shall adjourn to the next day, and if the number of the committee shall unavoidably be reduced to less than nine members, and shall so continue for the space of three days, Sundays excepted, the committee shall be dissolved and another shall be chosen in manner aforesaid: *Provided*, That when the two houses shall stand adjourned for more than three days, the committee may adjourn to the same time.

SECT. CXLII. The select committee shall have power to send for persons papers and records, and to compel the attendance of, and examine all witnesses who may come before them, upon oath or affirmation, which the chairman or clerk of the committee may administer in their presence, and to decide not only on the validity of such contested election, but also which of the candidates had the greatest number of legal votes.

SECT. CXLIII. When it is proven to the satisfaction of said committee, that any person not a legally qualified voter, voted at any such contested election, it shall be lawful for said committee to compel said voter to disclose, under oath, for which of the respective candidates he voted. But when the committee examines the witness, on oath, as to the person or persons for whom he voted, and said witness on such examination discloses the name of the person or persons for whom he voted at such election, he shall not afterwards be presented for having illegally voted at such election.

SECT. CVLIV. The doors of the room in which the select committee shall meet, shall remain open during the examination of witnesses, but may be shut at any other time. All determinations of such committee shall be by a majority of the whole number appointed, and as soon as the whole committee have agreed upon the same, the chairman shall make two reports thereof in writing, one of which shall be delivered to the Speaker of the Senate, and the other to the Speaker of the House of Representatives, which reports shall be entered on the journals of the respective houses, and shall be final and conclusive.

SECT. CXLV. If the committee or a majority thereof aforesaid, shall report



that either of the candidates had the greatest number of legal votes and ought to be admitted to the office, such candidate shall thereupon be entitled to such office.

SECT. CXLVI. If the committee or a majority thereof, as aforesaid, shall report that such election or return is invalid, a new election shall take place on the second Tuesday in October ensuing, agreeably to the constitution, of which the Speaker of the Senate and Speaker of the House of Representatives, shall immediately give notice by their joint writ, directed to the sheriffs of the respective counties. And the sheriffs of the respective counties shall give due notice thereof according to law.

SECT. CXLVII. Every petition, as aforesaid, complaining of an undue election or false return of a member of the Senate, shall be delivered to the Speaker of the Senate, and thereupon the like proceedings shall be had in the Senate in selecting a committee of such house by lot, and the like powers and authorities shall be vested in the senate, in relation to such committee, and the said committee shall have the like power and authorities, and be subject to the like rules and regulations, as are hereinbefore directed in case of a contested election of a governor ; excepting

1. That the several duties which are hereinbefore directed to be performed in such case by the Speaker of the Senate and the Speaker of the House of Representatives, shall be performed by the Speaker of the Senate.

2. That the several duties which are hereinbefore directed to be performed in such case by the clerk of the Senate and the clerk of the House of Representatives, shall be performed by the clerk of the Senate.

3. That the number of members of the Senate first taken out by lot shall be thirteen, and that the select committee shall consist of seven members, and shall not be dissolved unless reduced to less than five members.

SECT. CXLVIII. Every petition as aforesaid, complaining of an undue election or a false return of a member of the House of Representatives, shall be delivered to the speaker thereof, and thereupon the like proceedings shall be had in such house in selecting a committee thereof by lot, and the like powers and authorities shall be vested in such house in relation to such committee. And such committee shall have the like powers and authorities, and be subject to the like rules and regulations, as is hereinbefore directed in the case of contested elections of a governor ; excepting

1. That the several duties which are hereinbefore directed to be performed in such case by the Speaker of the Senate and the Speaker of the House of Representatives, shall be performed by the Speaker of the House of Representatives.

2. That the several duties which are hereinbefore directed to be performed in such case by the clerk of the Senate and the clerk of the House of Representatives, shall be performed by the clerk of the House of Representatives.

3. That the number of the members of the House of Representatives, first taken out by lot, shall be seventeen, and that the select committee shall consist of nine members, and shall not be dissolved unless reduced to less than seven members.

SECT. CXLIX. If the committee or a majority of them as aforesaid, shall report that either of the candidates had the greatest number of legal votes and ought to be admitted to his seat, such candidate shall thereupon be entitled to such seat. But if they shall report that such election is invalid, a new election shall be directed and held to fill the vacancy, in the manner hereinbefore provided in case of vacancies in either branch of the legislature.

SECT. CL. In all contested elections, as aforesaid, the person returned, and the candidate next highest in votes, shall be the parties in the trial thereof. And in case of the absence or neglect of such candidate, any one of the petitioners duly qualified, taking precedence according to the order in which they have signed the petition, shall be considered one of the parties.

SECT. CLI. If either, or both of the parties shall fail to attend, for the purpose of objecting to, and striking from the names drawn as is hereinbefore provided,

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the members of the Senate and of the House of Representatives jointly, or the members of either house, separately, as the case may require, shall appoint one of their own number in the place of either or both of the said parties so neglecting to attend, which member or members so appointed, shall have full power and authority to do and perform every act and thing touching the same in as valid and effectual a manner as if the party or parties were personally present.

SECT. CLII. Every witness sent for, and attending the trial of any contested election as aforesaid, shall be allowed six cents for every mile of the distance necessarily travelled by him in coming to, and returning from the place of trial, and shall also be allowed the sum of one dollar and thirty-three cents for every day he may be detained at the place of such trial, which mileage and expense, as well as the expense of summoning such witness, shall be taxed by the select committee, and certified by their chairman to the speaker of one or both houses as the case may require. And the amount thereof, the same being first approved by the house or houses to which such certificate may be made, shall be paid by the treasurer of the county or counties in which the facts complained of took place, if such facts be substantiated; or by the treasurer of the county or counties, in which the petitioners shall reside, if the statements in the petition shall not be substantiated, on orders drawn by the speaker of either or both houses, as the case may require.

### 2. Contested elections of county and township officers.

SECT. CLIII. The several Courts of Quarter Sessions shall have jurisdiction to hear and determine all cases in which the election of any county or township officer, by the citizens in the respective county, may be contested.

SECT. CLIV. Upon the petition in writing of at least twenty qualified electors of the proper county or township, as the case may be, complaining of an undue election or false return of any such officer, the court shall appoint a suitable time for hearing such complaint, notice of which shall be given to the person returned, at least ten days before such hearing: *Provided*, That no order shall be taken on such petition, unless it be accompanied by the oath or affirmation of at least two of such petitioners, setting forth that the facts therein stated are true, to the best of their knowledge and belief.

SECT. CLV. The respective Courts of Quarter Sessions shall have authority to compel the attendance of any officer of such election, and of any other person capable of testifying concerning the same, and also to compel the production of all books, papers, tally lists, tickets and other documents which may be required at such hearing, in like manner and to the same extent as in other cases litigated before such court, and shall have all the powers which are conferred upon committees of the Legislature, by the several provisions of this act.

SECT. CLVI. Every person who shall be subpoenaed and attend or be examined at such hearing, shall be entitled to receive the same daily pay and mileage, as are by law allowed to witnesses attending such court in other cases, which shall be paid out of the treasury of the proper county or township, as the case may be.

SECT. CLVII. If the judges of such court, or a majority of them shall certify that such complaint was without probable cause, the petitioners and every of them shall be liable for all the costs of such hearing; and it shall be the duty of the commissioners of the proper county to proceed to recover the same by attachment issued from such court.

## X. ELECTIONS BY THE LEGISLATURE.

### 1. Election of Senators of the United States.

SECT. CLVIII. The election of Senators to represent this State in the Senate of the United States, shall take place as follows, to wit: Each house of the



Legislature shall appoint one teller, and nominate at least one person to fill such office, and at least one day previous to the joint meeting hereinafter mentioned, communicate to the other house the names of the persons so appointed and nominated.

SECT. CLIX. At the hour of twelve, on the second Tuesday in January next preceding the expiration of the constitutional term of a senator aforesaid, the members of both houses shall meet in convention, in the chamber of the House of Representatives. The Speaker of the Senate, or in his absence, the Speaker of the House of Representatives shall preside, and in the absence of both, a president pro tempore shall be appointed by joint vote.

SECT. CLX. When the convention shall be organized as aforesaid, the members present shall proceed to choose, *viva voce*, from the persons so as aforesaid nominated, a Senator to represent the State in the Senate of the United States; the names of the persons voted for, and of the members voting, shall be entered in writing by the tellers, who shall report to the president of the convention the number of votes given for each candidate.

SECT. CLXI. If neither of the candidates shall receive the votes of a majority of the members present, a second poll shall be taken, and so from time to time, until some one of the candidates shall receive the votes of a majority of the members present.

SECT. CLXII. If the election shall not be completed at the first meeting, the president shall adjourn the meeting to such time as a majority of the members, then present, shall determine, and so from time to time, until some one of the candidates shall receive a majority as aforesaid.

SECT. CLXIII. When the election shall be closed, as aforesaid, the president of the convention shall announce the person who shall have received a majority of votes aforesaid, to be duly elected a Senator to represent this State in the Senate of the United States, and he shall, in the presence of the members of both houses, sign four several certificates of the election, attested by the tellers, one of which certificates shall be transmitted by the president of the convention to the presiding officer of the Senate of the United States, one to the person so elected, and the remaining two shall be preserved among the records, and entered at length on the journals of each house.

SECT. CLXIV. Whenever a vacancy, by resignation or otherwise, shall happen in the representation of this State in the Senate of the United States, the Legislature, if in session, shall, within eight days after being informed of the same by the Governor, proceed to supply such vacancy by an election, conducted in the manner hereinbefore prescribed.

## 2. *Election of State Treasurer.*

SECT. CLXV. The State Treasurer shall be elected on the third Tuesday in January, in every year, in the manner following, viz:

SECT. CLXVI. Each House of the Legislature shall on the said third Tuesday in January, or on the day immediately previous thereto, choose one teller, and furnish the other house with a minute of such choice.

SECT. CLXVII. At the hour of twelve on the said third Tuesday in January, the Senate and House of Representatives shall meet in convention in the chamber of the House of Representatives; the Speaker of the Senate, or in his absence the Speaker of the House of Representatives, shall preside, and in the absence of both, a president pro tempore shall be appointed by joint vote.

SECT. CLXVIII. When the convention shall be organized, as aforesaid, the members present shall proceed to elect a State Treasurer, *viva voce*, the names of the persons voted for, and of the members voting, shall be entered in writing by the tellers, who shall report to the president of the convention the number of votes given for each candidate, and the president of the convention shall thereupon declare the same.

SECT. CLXIX. If neither of the candidates shall receive the votes of a majority of the members present, a second poll shall be taken, and so from time to

time, until some one of the candidates shall receive the votes of a majority of members present.

SECT. CLXX. If the election shall not be completed at the first meeting, the president shall adjourn the meeting to such time as a majority of the members then present shall determine, and so from time to time, until some one of the candidates shall receive a majority of the votes as aforesaid.

SECT. CLXXI. When the election shall be closed, as aforesaid, the president of the convention shall announce the person who shall have received a majority of the votes, as aforesaid, to be duly elected State Treasurer for the current year, and triplicate certificates shall be immediately made out and signed by the said president, and attested by the tellers, and the said tellers shall make report to their respective houses, which shall be entered at length upon their journals, and a certificate of such election shall be transmitted to the Governor.

SECT. CLXXII. When a vacancy in the office of State Treasurer shall happen, by resignation or otherwise, the Legislature, if in session, shall within five days after being informed of the same by the Governor, proceed to supply such vacancy by an election, conducted in the manner hereinbefore prescribed.

SECT. CLXXIII. In case no State Treasurer is elected at the time fixed by law, the treasurer for the time being, shall hold the office until a successor is appointed according to the provisions of this act, and the bond given by the treasurer and his securities shall be held valid and binding so long as he continues in office.

SECT. CLXXIV. That an act entitled "An act to regulate the general elections of this Commonwealth," passed the fifteenth day of February, seventeen hundred and ninety-nine, the second section of the act of first of March, eighteen hundred third Smith's Laws, page four hundred and twelve; an act entitled "An act to direct the manner, time and place of holding elections for electors of President and Vice President of the United States," passed the second day of February, eighteen hundred and two, with the supplement thereto, passed the seventh day of March, eighteen hundred and twenty-nine; an act entitled "An act to prescribe the times, places and manner of choosing senators to represent this State in the Senate of the United States," passed the fifth of February, eighteen hundred and two; an act entitled "An act to alter and amend the act to regulate the general elections within this Commonwealth," passed the fourth day of April, eighteen hundred and three; an act entitled "An act directing the mode of filling vacancies in the representation of this State in the House of Representatives of the United States," passed the eighteenth day of February, eighteen hundred and five, and the supplements thereto, passed the second day of April, eighteen hundred and seventeen; an act entitled "An act altering the times of holding township elections and meeting of return judges of the general elections," passed the seventeenth day of March, eighteen hundred and six; also an act passed the thirteenth of April, eighteen hundred and seven, 4th Smith's Laws, page four hundred and seventy-one; also an act of same date, fourth Smith's Laws, page four hundred and seventy-six; an act entitled "An act to enable the militia or volunteers of this State, when in the military service of the United States or of this State, to exercise the rights of election," passed the twenty-ninth day of March, eighteen hundred and thirteen; an act entitled "A further supplement to an act to regulate the general elections within this Commonwealth," passed the second day of April, eighteen hundred and twenty-one; an act entitled "An act to provide for the election of representatives of the people of this State in the Congress of the United States, passed the second day of April, eighteen hundred and twenty-two; the second, third, fourth, sixth and seventh sections of an act, entitled "An act dividing the city of Philadelphia into fifteen wards, and providing for the choice of judges of the general election, and for other purposes," passed the thirty first day of March, eighteen hundred and twenty-five; the sixty-sixth section of an act regulating election districts, passed tenth April, eighteen hundred and twenty-six; a supplement to an act



entitled "Act to regulate the general elections within this Commonwealth," passed the sixteenth day of April, eighteen hundred and twenty-nine, and "An act regulating election districts, and for other purposes," passed the sixteenth day of June, eighteen hundred and thirty-six; and all other laws of this Commonwealth which are hereby altered or supplied by, or inconsistent with this act be, and the same are hereby repealed.

*ACT of February 27, 1840. Pamph. Laws, p. 67.*

5. SECT. III. The election of constables in all the incorporated districts of the county of Philadelphia shall from and after the passage of this act be held upon the third Friday of March next.

*ACT of March 7, 1840. Pamph. Laws, p. 72.*

*An Act relative to the election of Borough and Township officers, and for other purposes.*

6. SECT. I. That when a borough forms part of a township or townships, composing together one general election district, and which are entitled by the act to which this is a supplement, to separately elect two Justices of the Peace, it shall be the duty of the judge and inspectors, elected to hold the general and township elections of each year, to provide a separate box into which they shall put the tickets voted for justices of the peace for said borough; and the tickets voted for justices of the peace by the qualified voters of the township, shall have the word "Township," written or printed on the outside; and the tickets voted for justices of the peace by the qualified voters of the borough, shall have the word "Borough," written or printed on the outside, and the said judge and inspectors shall count the votes so voted for justices of the peace for said borough, and return the same in like manner, as is provided for in the election of justices of the peace for townships.

SECT. XXVII. Whenever it shall become necessary for the citizens of any township in any of the counties of this Commonwealth, which has been or shall be divided in any way in forming any election district or districts, to elect justices of the peace, judges and inspectors of election, assessors, constables, school directors or other township officers, in pursuance of any act or acts of assembly, the qualified voters of such township shall meet at the usual place of holding their annual township elections respectively and shall then and there proceed to elect such officers in the manner now provided for by law, and the returns of such elections shall be made out in the same manner as is now provided for by the laws of this Commonwealth; and such township election so held in any township which may be divided as aforesaid, shall be held and conducted only by the judge, inspectors and clerks residing in the district where the place of holding the township election is or may be located; any law to the contrary notwithstanding: *Provided*, That whenever a vacancy happens by death, resignation, removal or otherwise, then the judge or inspector residing in the township and district nearest to the place of holding the township election shall hold and conduct the same.

SECT. XXVIII. It shall be the duty of the judge and inspectors holding and conducting such township election to keep as many separate boxes and separate lists of voters for judges and inspectors of elections as there are election districts or parts of election districts in such township respectively in which they shall deposit the votes of the citizens residing within the limits of such districts or parts of districts for judges and inspectors of the general elections in their particular districts, and the returns thereof shall be made out and certified

in conformity with the provisions of the act of the second July, Anno Domini, eighteen hundred and thirty-nine, entitled "An act relating to the elections of this Commonwealth"; and in cases where part only of the township forms in connection with other parts of other townships a general election district, the judge holding such township election, shall meet the judge or judges from the other township or townships forming part of such general election district at the place of holding the general election, and the said judges shall then and there proceed to make out a general return from their respective returns, which shall be signed, certified and returned with their several returns in like manner as is now provided for by law.

*ACT of March 18, 1840. Pamph. Laws, p. 709.*

7. *Resolved*, That hereafter the polls of the ward elections in the city of Philadelphia and of the incorporated districts of the county of Philadelphia shall be kept open until ten o'clock in the afternoon, and that the polls of the ward and general elections in the city of Lancaster, shall be kept open until nine o'clock in the afternoon.

*ACT of April 16, 1840, Pamph. Laws, p. 411.*

8. **SECT. IV.** That the thirteenth section of the act, passed July 2nd, 1839, entitled an act relating to the elections of this Commonwealth, shall not be so construed as to prevent any militia officer or borough officer from serving as judge, inspector or clerk, at any general or special election, in this Commonwealth.

*ACT of April 16, 1840. Pamph. Laws, p. 428.*

9. **SECT. IV.** That the said county of Clarion shall form a part of the twenty-fifth congressional district, composed of the counties Erie, Crawford, Venango and Warren, for the election of a member of Congress, and shall make return of the votes given for member of Congress, in the same manner as other counties of the district, and shall be attached to Venango county, in the election of a member of the House of Representatives of this State.

**SECT. V.** That the electors of the county of Clarion shall hold their annual election at the proper and usual places, and the return judges thereof shall meet at the court house, in the town of Clarion, on the next Friday after said election, as in other counties, to examine and count the votes of said returns, and the return judges of Venango and Clarion counties shall each appoint one return judge, who shall meet at the court house in Venango county, on the next Tuesday after the said Friday, with the return of the votes given for member of the House of Representatives, who shall sum up the votes and make the returns of the same agreeably to law.

*ACT of June 13, 1840. Pamph. Laws, p. 683.*

*2 Supplement to an act, entitled "An act relating to the Elections of this Commonwealth," [passed July 2, 1839,] and for other purposes.*

10. **SECT. I.** That as soon as the election for inspectors and judges of election shall be finished, the inspectors and judges of such election, shall make out duplicate returns under their hands and seals, setting forth in words at length, the number of votes given for the several persons voted for as inspectors and judge, and also for each township officer voted for at such election, one of which they shall, together with the tickets, list of taxables, list of voters, tally papers, and the certificates of the oath or affirmation, taken and subscribed by the inspectors, judges and clerks, carefully collect and deposit in one or more of the ballot boxes, which boxes together with the remaining ones shall be secured, delivered and kept, as for similar boxes is directed in the seventy-fourth section of the act to which this is a supplement, until the next general election, to be held thereafter, and the other duplicate shall be delivered by the judge of such election, within five days thereafter, to the clerk of the Court of Quart-



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er Sessions of the proper county, to be filed in his office ; and the said inspectors and judge, shall also make out a certificate of election, for each person chosen as an inspector, judge, or township officer, which certificate shall be delivered to the person so chosen, or left at his usual place of abode, by the constable of the proper ward, township, district, or borough, within five days after such election.

SECT. II. The constable or constables of every township within this Commonwealth, shall give public notice of the township elections, by ten or more printed or written advertisements, affixed at as many of the most public places therein, at least ten days before the election, and in every such advertisement they shall enumerate, designate, and give notice as sheriffs of counties in case of general elections are directed, by the first and second divisions of the thirtieth section of the act to which this is a supplement, and in case of the neglect, refusal, death, or absence of the aforesaid constable or constables, the duties herein enjoined on them, shall be performed by the supervisors or assessor of the proper township, but said supervisors or assessor of the proper township, shall not be required to give more than five days notice; and said election shall be held and conducted under the regulations, not inconsistent herewith prescribed in the aforesaid act, but nothing in this act, or in the act to which this is a supplement contained, shall be construed to prohibit a judge, inspector, or clerk of election from being voted for to fill any township office, or render either or any of them ineligible to hold the same.

SECT. III. The commissioners of every county within this Commonwealth shall on or before the first day of August, in each year, cause to be delivered to the assessor of every ward, township, incorporated district and borough, within their respective counties, for which said assessors were respectively elected, a certified transcript under seal of office, of the names and surnames, of all the taxable persons returned at the last county assessment of said wards, townships, districts and boroughs, and shall separately arrange the names of freeholders, tenants and single men, in alphabetical order.

SECT. IV. The assessors of the several wards, townships, incorporated districts, and boroughs within this Commonwealth, shall, on the receipt of the transcript aforesaid, proceed forthwith to make from said transcripts not less than two copies of alphabetical lists, and as many more as the county commissioners shall direct, and in the form required of county commissioners, of the names and surnames of all the white freemen residing within their respective wards, townships, districts, and boroughs ; and said assessors shall, on or before the twentieth day of August, in each year, post up said copies at as many of the most public places within their respective wards, townships, districts and boroughs, one of which shall be at the place of holding their general elections : *Provided*, That when the election is not held within the ward, township, borough or district, then all of said copies or lists, made out as aforesaid, shall be fixed upon within the ward, township, borough or district, except the one copy required by this section to be fixed up at the place of holding such election.

SECT. V. The assessors aforesaid, shall also keep copies of the aforesaid list in their office or possession, subject at all reasonable times to the inspection of any white freeman without charge ; and shall, at any such time, ten days before the second Tuesday of October, in each year, on the personal application of any person, as aforesaid, claiming to be assessed within their proper ward, township, incorporated district or borough, or claiming a right to vote therein as being between the age of twenty-one and twenty-two years, and having resided in the State one year, enter the name of such person upon the said list in their office or possession ; and the said assessors shall, in the form aforesaid, make out duplicate copies of said lists of names and surnames of the white freemen and qualified voters residing within their respective wards, townships, districts and boroughs ; and at least eight days before the second Tuesday of October, in each year, certify, sign and deliver, one of said duplicates to the commissioners of their respective counties, who shall file the same in the

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office; the other the said assessors shall hold and hand over, without alteration, or addition, to one of the inspectors of the election of their proper election district, on or before eight of the clock in the morning of the second Tuesday of October, in each year: *Provided*, That where any ward, township, incorporated district or borough, has been, or shall be divided in forming an election district, or part of an election district, said assessors shall make out, certify, sign, and deliver, as is hereinbefore directed for wards, townships, districts, and boroughs, duplicate lists, as aforesaid, of the white freemen and qualified voters residing within each part of said divided ward, township, district, and borough. [*See below, Act of April 26, 1840.*]

SECT. VI. It shall be the duty of said assessors respectively, on entering the names of persons claiming to be assessed, pursuant to the provisions in the foregoing section, forthwith to levy and assess on such persons, except those between the age of twenty-one and twenty-two years, such an amount of county tax as by law is levied and assessed on taxable inhabitants of like standing or occupation, and give a certificate of such assessment to the person so assessed, and return his name on said list to the commissioners at least eight days before the election, noting opposite said name the words "tax not paid;" and the collector shall, on presentation of such certificate, receive said tax, and give a receipt for the same.

SECT. VII. The commissioners of every county within this Commonwealth, shall, on or before eight of the clock in the morning of the day of every general, special, electoral, and township election, and at the times hereinafter specified, perform the following duties:

1. At elections, as aforesaid, they shall cause to be delivered to one of the inspectors of every election district, within their respective counties, a sufficient number of boxes to contain the tickets, (unless the same has already been provided for said township,) blank forms of election oaths, tally papers, and returns made out in a proper manner, and headed as the nature of the election may require.

2. At special, electoral, and township elections, they shall, in addition to the foregoing, deliver to the aforesaid inspectors certified copies, under seal of office, of the duplicate copies delivered them to file in their respective offices, by the respective assessors of wards, townships, incorporated districts, and boroughs, within their respective counties, pursuant to the directions and provisions contained in the fifth section of this act; also a sufficient number of blank forms of certificates of election, for each person elected to any office voted for at township elections.

3. On the day of meeting of the return judges of elections, within their respective counties, they shall immediately, on said judges having met and selected one of their number as president of the board, deliver to said president a sufficient number of blank forms, of duplicate, triplicate, and single returns, made out in a proper manner, and headed as the nature of the return may require; also blank forms of certificate of election, for each person elected at such election, made out and headed as the case may require.

SECT. VIII. In cases of election of county commissioners and county auditors, one copy of the return of election shall be enclosed in an envelope, sealed and directed "to the commissioners" of the proper county.

SECT. IX. The clerk of the Court of Quarter Sessions of every county within this Commonwealth, shall, within fifteen days after the township elections, in each year, are returned into his office, make out, certify, and deliver, under his hand and seal of office, to the commissioners of his proper county, a list of the names of the persons elected to the offices of assessor and assistant assessors, and the names of the wards, townships, incorporated districts, and boroughs, within their respective counties, for which they were respectively elected, and shall be allowed therefor the usual fees for equal or similar services, to be paid out of the county treasury.

SECT. X. Every judge, as aforesaid, shall be allowed six cents per mile, for



each mile necessarily travelled in delivering the return of the township election of his proper township, to the clerk of the court of Quarter Sessions ; said mileage to be computed circular, and paid out of the county treasury, on orders drawn by the commissioners in the usual manner : *Provided*, That no compensation shall be paid where the return is not delivered within the time prescribed by law ; and no daily pay shall be allowed for making returns of township elections.

SECT. XI. Constables, supervisors, or assessors, as the case may be, of any ward, township, incorporated district, or borough, shall be allowed and paid out of the county treasury, two dollars for advertising ward, township, district, and borough elections ; said constables shall also be allowed and paid, as aforesaid, twenty cents for delivering to each township officer a certificate of his election, as directed by this act, and the act to which this is a supplement.

SECT. XII. The respective assessors shall be paid for the various duties required by this act, and the act to which this is a supplement, such sum as the commissioners of the proper county, shall believe just and reasonable, computing their services at the same price allowed by law, when engaged by making assessments ; and the decision of a majority of such board of commissioners as to the amount to be paid for such service shall be final and conclusive.

SECT. XIII. The qualified electors of every township within this Commonwealth, who have neglected or omitted to elect township auditors, pursuant to the act of the fifteenth of March, one thousand eight hundred and thirty-four, relating to counties and townships and county and township officers, shall at the next annual township election, elect three township auditors, in the manner prescribed by said act, and shall annually thereafter, continue to elect said officers in the manner therein directed.

SECT. XIV. Every inspector and judge of an election, shall have full power and authority to administer oaths or affirmations to any and all persons requiring, or offering to be sworn or affirmed, in relation to the right of any person to vote at any election, authorized to be held under any law of this Commonwealth, and generally, shall in the exercise of the duties of their office as inspectors or judges, have the same power to administer oaths or affirmations required, or authorized to be administered by the provisions of this act, or the act to which this is a supplement, as justices of the peace have by the laws of this Commonwealth, and a violation of such oath or affirmation shall be subject to the same fines and penalties which are or may be inflicted by law, for a violation of such oath or affirmation, when administered by a justice of the peace.

SECT. XV. If any officer or officers required to perform any duty by the provisions of this act, shall neglect or refuse to perform the same, he or they, so offending, shall be considered and adjudged guilty of a misdemeanor in office, and shall on conviction, be fined in any sum not less than twenty, nor more than two hundred dollars, and where the duties required of any officer herein named, are the same as those required by the provisions of the act to which this is a supplement, the penalties inflicted by said act, for violation of such duty, be and the same are hereby extended to the duty herein required.

SECT. XVI. The eighth, ninth, tenth, eleventh, twelfth, fifty-first, fifty-second, fifty-fifth, fifty-seventh, fifty-eighth and sixtieth sections, and the fourth division of the eighteenth [*eightieth*] section of the act to which this is a supplement, and all other laws of this Commonwealth inconsistent with the provisions of this act, be and the same are hereby repealed.

*ACT of June 13, 1840. Pamph. Laws, p. 689.*

*A further supplement to an act, entitled "An act providing for the election of aldermen and justices of the peace," passed June 21, 1839.*

11. SECT. I. [*For other sections see infra 14.*]

SECT. III. The inspectors, judges and clerks, required by law to hold township and general elections, shall take and subscribe the several oaths or affirm

ations, required by the nineteenth, twentieth and twenty first sections of the act of the second of July one thousand eight hundred and thirty-nine, entitled "An act relating to the elections of this Commonwealth," which oaths or affirmations shall be prepared and administered, in the manner prescribed in the eighteenth and twenty second sections of the said act; and in addition to the power conferred by the eighteenth section of the said act, the judge or either of the inspectors, shall have power to administer the oaths prescribed by said act to any clerk of a general, special or township election, and the ninth section of the act, to which this is a further supplement, be and the same is hereby repealed.

SECT. XI. That the assessors elected in the several election districts, on the Friday next preceding the second Tuesday of October last, past, under the provisions of the twelfth section of the act relating to the elections of this Commonwealth, passed the second day of July, one thousand eight hundred and thirty-nine, shall continue in office, and perform all the duties appertaining thereto, until the time fixed for the election of assessors and assistant assessors, in the year one thousand eight hundred and forty-one, except where elections shall have taken place for such officers, at the constables elections next preceding the passage of this act; and in such last described case, the said elections are hereby declared valid and effectual, where they have conformed in other respects to the provisions of the existing laws; and the terms of office of the said first mentioned assessors, shall be construed to expire on the Friday next preceding the day of the general election, of the present year, when the assessors and assistant assessors, so elected as aforesaid, shall enter upon the performance of the duties of their respective offices.

## OF THE ELECTION OF PROTHONOTARIES, CLERKS, RECORDERS AND REGISTERS.

*ACT of July 2, 1839. Pamph. Laws, p. 559.*

*An act to provide for the election of Prothonotaries, Clerks, Records and Registers.*

12. SECT. I. That the qualified electors of each county in this Commonwealth, shall, at the next general election, at the times and places of electing Representatives, and whenever it becomes necessary for an election, under this act, vote for prothonotaries, clerks of the several courts, recorders of deeds, and registers of wills, for each county, respectively, as follows, namely:

The qualified electors of the county of Adams, shall elect one person to fill the office of prothonotary; one person to fill the offices of clerks of the Courts of General Quarter Sessions, and Oyer and Terminer, and of the Orphans' Court, and one person to fill the offices of register of wills, and recorder of deeds.

The qualified electors of the county of Allegheny, shall elect one person to fill the offices of prothonotary of the Court of Common Pleas, and of the District Court; one person to fill the offices of clerks of the several Courts of General Quarter Sessions, and Oyer and Terminer and Orphans' Court, and one person to fill the office of register of wills, and one person to fill the office of recorder of deeds.

The qualified electors of the city of Pittsburg, shall elect one person to fill the office of clerk of the Mayors's Court, in and for said city.

The qualified voters of the county of Armstrong, shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions, and Oyer and Terminer; one person to fill the offices of registers of wills, recorder of deeds, and clerk of the Orphans' Court.

The qualified electors of the county of Beaver, shall elect one person to fill the office of prothonotary; one person to fill the offices of clerks of the Courts of General Quarter Sessions, and Oyer and Terminer, and clerk of the Orphans'



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Court, and one person to fill the offices of register of wills, and recorder of deeds.

The qualified electors of the county of Bedford, shall elect one person to fill the offices of prothonotary, clerks of the Courts of General Quarter Sessions, Oyer and Terminer, Orphans' Court, register of wills, and recorder of deeds.

The qualified electors of the county of Berks, shall elect one person to fill the offices of prothonotary, one person to fill the offices of clerk of the Courts of General Quarter Sessions, and Oyer and Terminer; one person to fill the office of clerk of the Orphans' Court; one person to fill the office of register of wills, and one person to fill the office of recorder of deeds.

The qualified electors of the county of Bradford, shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions, and Oyer and Terminer; one person to fill the offices of register of wills, recorder of deeds, and clerk of the Orphans' Court.

The qualified electors of the county of Bucks, shall elect one person to fill the office of prothonotary; one person to fill the offices of clerk of the Courts of General Quarter Sessions, and Oyer and Terminer; and one person to fill the office of clerk of the Orphans' Court; one person to fill the office of register of wills, and one person to fill the office of recorder of deeds.

The qualified electors of the county of Butler, shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions, Oyer and Terminer, and Orphans' Court, and one person to fill the offices of register of wills, and recorder of deeds.

The qualified electors of the county of Cambria, shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions, Oyer and Terminer, Orphans' Court, register of wills, and recorder of deeds.

The qualified electors of the county of Centre, shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions, and Oyer and Terminer, and one person to fill the offices of register of wills, recorder of deeds, and clerk of the Orphans' Court.

The qualified electors of the county of Chester, shall elect one person to fill the office of prothonotary; one person to fill the offices of clerk of the Courts of General Quarter Sessions, Oyer and Terminer, and Orphans' Court; one person to fill the office of register of wills, and one person to fill the office of recorder of deeds.

The qualified electors of the county of Clearfield, shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions, Oyer and Terminer, Orphans' Court, register of wills, and recorder of deeds.

The qualified electors of the county of Columbia, shall elect one person to fill the offices of prothonotary, clerks of the Courts of General Quarter Sessions, Oyer and Terminer, and Orphans' Court; and one person to fill the offices of register of wills, and recorder of deeds.

The qualified electors of the county of Crawford, shall elect one person to fill the offices of prothonotary of the Court of Common Pleas, and District Court, clerk of the Courts of General Quarter Sessions, Oyer and Terminer, and Orphans' Court; and one person to fill the offices of register of wills, and recorder of deeds.

The qualified electors of the county of Cumberland, shall elect one person to fill the office of prothonotary; one person to fill the offices of recorder of deeds, clerks of the Courts of General Quarter Sessions, Oyer and Terminer, and Orphans' Court; and one person to fill the office of register of wills.

The qualified electors of the county of Dauphin, shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions, and Oyer and Terminer; one person to fill the offices of clerk of the Orphans' Court, and recorder of deeds; and one person to fill the office of register of wills.

The qualified electors of the county of Delaware, shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions, Oyer and Terminer, Orphans' Court, register of wills, and recorder of deeds.

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The qualified electors of the county of Erie, shall elect one person to fill the offices of prothonotary of the Court of Common Pleas, and of the District Court, clerks of the Courts of General Quarter Sessions, and Oyer and Terminer and Orphans' Court, and one person to fill the offices of register of wills, and recorder of deeds.

The qualified electors of the county of Fayette shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions, and Oyer and Terminer, and one person for register of wills and recorder of deeds, and clerk of the Orphans' Court.

The qualified electors of the county of Franklin shall elect one person to fill the office of prothonotary, one person to fill the offices of clerks of the Courts of General Quarter Sessions, Oyer and Terminer, and Orphans' Court, and one person to fill the offices of register of wills and recorder of deeds.

The qualified electors of the county of Greene shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions and Oyer and Terminer, and clerk of the Orphans' Court; and one person to fill the offices of register of wills and recorder of deeds.

The qualified electors of the county of Huntingdon shall elect one person to fill the offices of prothonotary, clerk of the Courts of Quarter Sessions and Oyer and Terminer; and one person to fill the offices of register of wills, recorder of deeds and clerk of the Orphans' Court.

The qualified electors of the county of Indiana shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions and Oyer and Terminer, and one person to fill the offices of register of wills, recorder of deeds and clerk of the Orphans' Court.

The qualified electors of the county of Jefferson shall elect one person to fill the offices of prothonotary, clerk of the Court of Quarter Sessions, Oyer and Terminer, Orphans' Court, register of wills and recorder of deeds.

The qualified electors of the county of Juniata shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions and Oyer and Terminer; and one person to fill the offices of register of wills, recorder of deeds and clerk of the Orphans' Court.

The qualified electors of the county of Lancaster shall elect one person to fill the offices of prothonotary of the Court of Common Pleas and District Court; one person to fill the offices of clerk of the Courts of General Quarter Sessions and Oyer and Terminer; one person to fill the office of clerk of the Orphans' Court; one person to fill the office of register of wills; one person to fill the office of recorder of deeds.

The qualified electors of the city of Lancaster shall elect one person to fill the office of clerk of the Mayor's Court in and for said city.

The qualified electors of the county of Lebanon shall elect one person to fill the office of prothonotary and clerk of the Court of Oyer and Terminer; one person to fill the offices of clerk of the Court of Quarter Sessions and Orphans' Court; and one person to fill the offices of register of wills and recorder of deeds.

The qualified electors of the county of Lehigh shall elect one person to fill the office of prothonotary; one person to fill the office of recorder of deeds; one person to fill the offices of clerk of the Courts of Quarter Sessions, Oyer and Terminer and Orphans' Court; and one person to fill the office of register of wills.

The qualified electors of the county of Luzerne shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions, Oyer and Terminer and Orphans' Court; and one person to fill the office of register of wills and recorder of deeds.

The qualified electors of the county of Lycoming shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions and Oyer and Terminer; and one person to fill the offices of register of wills, and recorder of deeds and clerk of the Orphans' Court.



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The qualified electors of the county of McKean shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions, Oyer and Terminer, and Orphans' Court, and register of wills and recorder of deeds.

The qualified electors of the county of Mercer shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions, Oyer and Terminer and Orphans' Court; and one person to fill the offices of register of wills and recorder of deeds.

The qualified electors of the county of Mifflin shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions and Oyer and Terminer; one person to fill the offices of register of wills, recorder of deeds and clerk of the Orphans' Court.

The qualified electors of the county of Monroe, shall elect one person to fill the office of prothonotary, clerks of the Courts of General Quarter Sessions, and Oyer and Terminer, and Orphans' Court, and one person to fill the offices of register of wills, and recorder of deeds.

The qualified electors of the county of Montgomery, shall elect one person to fill the office of prothonotary; one person to fill the offices of clerks of the Courts of General Quarter Sessions, Oyer and Terminer, and Orphans' Court; one person to fill the office of register of wills, and one person to fill the office of recorder of deeds.

The qualified electors of the county of Northampton, shall elect one person to fill the office of prothonotary, clerks of the Courts of General Quarter Sessions and Oyer and Terminer; one person to fill the office of clerk of the Orphans' Court; one person to fill the office of register of wills, and one person to fill the office of recorder of deeds.

The qualified voters of the county of Northumberland, shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions, and Oyer and Terminer, and one person to fill the offices of register of wills, recorder of deeds, and clerk of the Orphans' Court.

The qualified electors of the county of Perry, shall elect one person to fill the offices of prothonotary, clerks of the Courts of General Quarter Sessions, Oyer and Terminer, and Orphans' Court, and one person to fill the offices of register of wills, and recorder of deeds.

The qualified electors of the city and county of Philadelphia, shall elect one person to fill the office of prothonotary of the Court of Common Pleas; one person to fill the office of prothonotary of the District Court of the city and county of Philadelphia; one person to fill the offices of clerk of the Court of Oyer and Terminer and General Quarter Sessions; one person to fill the office of clerk of the Court of Criminal Sessions for the city and county of Philadelphia; one person to fill the office of clerk of the Orphans' Court; one person to fill the office of register of wills, and one person to fill the office of recorder of deeds.

The qualified electors of the county of Pike, shall elect one person to fill the offices of prothonotary, clerks of the Courts of General Quarter Sessions, Oyer and Terminer, Orphans' Court, register of wills and recorder of deeds.

The qualified electors of the county of Potter shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions, Oyer and Terminer, Orphans' Court, register of wills and recorder of deeds.

The qualified electors of the county of Somerset, shall elect one person to fill the offices of prothonotary, clerks of the Courts of General Quarter Sessions and Oyer and Terminer; and one person to fill the offices of register of wills, recorder of deeds and clerk of the Orphans' Court.

The qualified electors of the county of Schuylkill, shall elect one person to fill the offices of prothonotary, clerks of the Courts of General Quarter Sessions and Oyer and Terminer, and one person to fill the offices of clerk of the Orphans' Court, register of wills and recorder of deeds.

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The qualified electors of the county of Susquehanna, shall elect one person to fill the offices of prothonotary, clerks of the Court of General Quarter Sessions and Oyer and Terminer, and one person to fill the offices of register of wills, recorder of deeds and clerk of the Orphans' Court.

The qualified electors of the county of Tioga, shall elect one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions and Oyer and Terminer, and one person to fill the offices of register of wills, recorder of deeds, and clerk of the Orphans' Court.

The qualified electors of the county of Union, shall elect one person to fill the office of prothonotary, clerk of the Courts of General Quarter Sessions, and Oyer and Terminer and Orphans' Court; and one person to fill the offices of register of wills and recorder of deeds.

The qualified electors of the county of Venango, shall elect one person to fill the offices of prothonotary of the Common Pleas and District Courts', clerk of the Courts of General Quarter Sessions, Oyer and Terminer, Orphans' Court, register of wills, and recorder of deeds.

The qualified electors of the county of Warren, shall elect one person to fill the offices of prothonotary, clerks of the Courts of General Quarter Sessions, Oyer and Terminer, Orphans' Court, register of wills and recorder of deeds.

The qualified electors of the county of Washington, shall elect one person to fill the office of prothonotary; one person to fill the offices of clerks of the Courts of General Quarter Sessions, and Oyer and Terminer and Orphans' Court; one person to fill the office of register of wills, and one person to fill the office of recorder of deeds.

The qualified electors of the county of Wayne, shall elect one person to fill the offices of prothonotary, clerks of the Courts of General Quarter Sessions, and Oyer and Terminer and Orphans' Court, and one person to fill the offices of register of wills and recorder of deeds.

The qualified electors of the county of Westmoreland, shall elect one person to fill the offices of prothonotary, clerks of the Courts of General Quarter Sessions, Oyer and Terminer and Orphans' Court; and one person to fill the office of register of wills and recorder of deeds.

The qualified electors of the county of York, shall elect one person to fill the office of prothonotary; one person to fill the offices of clerk of the Courts of General Quarter Sessions, Oyer and Terminer and Orphans' Court; one person to fill the office of register of wills, and one person to fill the office of recorder of deeds. (Clinton county Act of April 14, 1840.)

SECT. II. That the said elections for prothonotaries, clerks, recorders of deeds and registers of wills, in each county, shall be held and conducted in all respects, in the same manner as elections for representatives are or shall be held and conducted, and shall be held and conducted by the same judges, inspectors and other officers.

SECT. III. That it shall be the duty of the return judges of the election for representatives, for each county, when they meet to make out returns for representatives, also, to make out true duplicate returns of the elections of prothonotaries, clerks, recorders of deeds, and register of wills, one of which said returns shall be filed in the prothonotary's office of the proper county, and the other return shall be immediately transmitted by the sheriff, by mail, to the Secretary of the Commonwealth, to be filed in his office; and it shall be the duty of such return judges, to give to each person elected, to any or all of the said offices, a certificate of his election, and the persons who appear by such certificates and returns to be duly elected, shall be commissioned by the Governor for the respective office or offices, for which they may have been elected, for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified: *Provided*, That no commission shall issue within the lapse of thirty days after the election, and shall commence and take effect from the first day of December next, after such election, unless when the same is suspended by reason of a contest under the fifth section of this act, in



which case, the commission shall take effect from the time of the legal qualification of the officer under the same, and expire on the first day of December, as in other cases.

SECT. IV. That whenever any vacancy occurs in any of the said offices, the qualified electors of the proper county, shall, at the next general election thereafter, elect, for the term of three years, a successor to fill the said vacancy, in the same manner, as is hereinbefore provided in other cases.

SECT. V. That the returns of the elections, under this act, shall be subject to the inquiry, determination, and judgment of the Court of Common Pleas, of the proper county, upon complaint in writing, of thirty or more, of the qualified electors of the proper county, of the undue election or return of any such officer, two of whom shall take and subscribe on oath or affirmation, that the facts set forth in such complaint are true, to the best of their knowledge and belief; and the said court shall, in judging concerning such election, proceed upon the merits thereof, and shall determine, finally, concerning the same, according to the laws of this Commonwealth; and the prothonotary of the said court shall, immediately, certify to the Governor, the decree of the said court on such election, and in whose favor such contested election shall be terminated, and the Governor shall then issue the commission to such person, in whose favor such contested election has determined; and the said court shall hear and determine such contested election, at the next term after the election shall have been held, and such complaint shall not be valid or regarded by the court, unless the same shall have been filed in the prothonotary's office, within ten days after the election; and in case such complaint is filed within the time above mentioned, it shall be the duty of the prothonotary to transmit by mail immediately, to the Governor, a certified copy thereof, and in such case, no commission shall be issued, until the court shall have determined and adjudged on such complaint, as aforesaid.

SECT. VI. That all such laws, and parts of laws, now in force, relating, in any manner, to prothonotaries, clerks of the several courts, recorders of deeds, and registers of wills, which are not inconsistent with this act, be and the same are hereby declared to continue and remain in full force.

SECT. VII. Separate tickets shall be voted for each office, or when there are more than one to be held by one person, for the offices, under this act: and each ticket shall designate, on the outside, the office or offices, and on the inside, the name of the person voted for to fill such office or offices.

## OF THE ELECTION OF ALDERMEN AND JUSTICES OF THE PEACE.

*ACT of June 21, 1839. Pamph. Laws, p. 376.*

*An act providing for the election of aldermen and justices of the peace.*

13. SECT. I. That the qualified voters of the respective wards, boroughs and townships, in this Commonwealth, shall, in the year of our Lord, one thousand eight hundred and forty, and whenever by this act it becomes necessary thereafter, at the times and places fixed for the election of constables in the said wards, boroughs and townships, elect justices of the peace and aldermen as follows: For each township, shall be elected two justices of the peace; for each borough, not divided into wards, shall be elected two justices of the peace; for each ward in a borough, shall be elected two justices of the peace; for each ward in a city, shall be elected two aldermen, except in the city and incorporated districts of the county of Philadelphia, where one alderman shall be elected for each ward; and such election shall be held, and conducted in the mode and manner, and by the same officers and persons, as the constables elections are held and conducted. But where a borough forms part of a township in which it is situated, the qualified voters of said borough, shall not be permitted to vote for justices of said township, nor shall the qualified voter of the said township, be permitted to vote for justices of said borough.

SECT. II. That the officers and other persons, holding and conducting such election for aldermen and justices of the peace, shall make true duplicate returns of such elections, one of which returns shall be immediately transmitted by mail, by the proper constable to the Governor, and the other return shall be handed by such constable, to the prothonotary of the proper county, to be filed in his office. And the said prothonotary shall forthwith send a certified copy of such return to the Secretary of the Commonwealth.

SECT. III. That the returns of the elections under this act, shall be subject to the inquiry, determination and judgment of the Court of Common Pleas of the proper county, upon complaint of fifteen or more of the qualified voters of the proper township, ward or borough, of an undue election or false return, two of whom shall take and subscribe an oath or affirmation, that the facts set forth in such complaint are true to the best of their knowledge and belief, and the said court shall, in judging of such elections, proceed upon the merits thereof, and shall determine finally concerning the same, according to the laws of this Commonwealth; and the prothonotary of the said court shall immediately certify to the Governor the decree of the said court, and in whose favor such contested election shall have terminated, and the Governor shall then commission such person in whose favor such contested election terminated, and such complaint shall not be valid or regarded by the court, unless the same shall have been filed within ten days after the election in the prothonotary's office, and in case such complaint be filed in due time, the prothonotary shall transmit by mail immediately to the Governor a certified copy thereof; and in such case no commission shall be issued, until the court shall have determined and adjudged on such complaint as aforesaid. [*See infra, Act of June 13, 1840*]

SECT. IV. That if the qualified voters of any ward, borough or township, in this Commonwealth, shall desire to elect more than the number of justices of the peace or aldermen, prescribed by this law for such ward, borough or township, such qualified voters may at the times and places of holding constables elections, express such desire and consent in the following manner, namely: Such of the said voters as are in favor of electing more justices or aldermen, shall vote tickets labelled on the outside with the word "Justice" or "Aldermen" and the inside of such tickets shall contain the words "Increase one" or "Increase two" as they may desire, and such of the said voters who are opposed to the election of more justices or aldermen, shall vote tickets labelled "Justices" or "Aldermen" on the outside, and the inside of such tickets shall contain the words "No increase." And if it shall appear by such election that a majority of the qualified voters within such ward, borough or township, are in favor of electing more justices or aldermen, then such additional number of justices or aldermen shall at the next constables election thereafter be elected and commissioned in the same manner as the other justices and aldermen are under this act. *Provided*, That no election shall be held under this section unless at least fifty qualified voters of the proper ward, borough or township, shall give notice in writing to the constable thereof, that they desire to vote, at the next constable's election thereafter, for such increase, and on receiving such notice, the said constable shall, by at least ten written or printed handbills put up in the most public places in said ward, borough or township, at least twenty days before said election, give notice that at said election a vote will be taken to ascertain whether the qualified voters of said ward, borough or township, consent to the election of a greater number of justices or aldermen. And it shall be the duty of the officers and others holding such election under this section, to make out true duplicate returns of the same, and file one of such returns in the office of the prothonotary of the proper county, and in case a majority of the voters of such borough or township are in favor of an increase, the proper constable shall immediately transmit by mail to the Governor the other of the said returns, and no such increase in any ward, borough or township, shall exceed two.

SECT. V. That the Governor shall issue commissions on the twenty-fifth day



after the elections for justices under this act shall have been held, to such persons as shall appear to be duly elected, for which said commission each person so elected a justice or alderman shall pay two dollars, to be received by the recorder of the proper county, to be by him transmitted to the Secretary of the Commonwealth, as fees for other commissions are transmitted; and the said justice shall be, by the said recorder, sworn or affirmed in the manner now prescribed by law.

SECT. VI. That before any person elected a justice of the peace or alderman shall enter upon the discharge of the duties of his office, such person shall give bond in such sum, not less than five hundred dollars nor more than three thousand dollars, as the Court of Common Pleas, or one of the judges, in vacation shall direct, with one or more sufficient securities, unless in the opinion of the court or of said judge, the person elected is possessed of a freehold estate of value beyond all reprises, equal to the amount in which security should otherwise be required, which bond shall be taken by the prothonotary in the name of the Commonwealth, with conditions for the faithful application of all money that come into his hands as an officer, and such bond shall be held in trust, for the benefit of all persons who may sustain injury from the said justice or alderman in his official capacity: *Provided*, That the surety shall in no case be liable where proceedings shall not have been commenced within eight years from the date of the bond, in the manner prescribed by the act of the fourteenth of June one thousand eight hundred and thirty-six, in relation to official bonds, and be proceeded in agreeably to the provisions of said act.

SECT. VII. That if any vacancy shall take place in any ward, borough or township, by the neglect or refusal of any person elected to accept a commission within six months after the date thereof, or by death, resignation, or otherwise, such vacancy shall be supplied at the next election, and the election to supply such vacancy shall be held and conducted in the same manner as the other elections for justices under this act.

SECT. VIII. The elections under this act shall be held and conducted in the same manner and by the same officers who are or shall be required by law to hold and conduct elections of constables in the respective wards, boroughs and townships in this Commonwealth.

SECT. IX. [*Repealed, supra, 11, sect. III.*]

SECT. X. That every justice of the peace or alderman, who is or shall be in commission at the time of the first election under this act, shall, at the expiration of his office, deliver his docket, together with all the notes, bonds, accounts and papers in his possession, touching any judgment or suit entered thereon, to the nearest justice or alderman of the township, borough or ward: *Provided*, That if such justice or alderman shall choose to retain his docket, he shall, on demand, for the legal fees, deliver a certified transcript of any judgment or proceedings in any suit therein, to the party or parties interested, under the penalty of one hundred dollars to be recovered by the party aggrieved, in the same manner as debts of that amount are by law recoverable. And the justice of the peace to whom such docket or transcript shall be delivered, shall issue process and proceed thereon in the same manner and with like effect as the said justice might have done if he had remained in office. And every justice or alderman elected under this act, shall, on the expiration of his term of office, deliver over his docket and like papers to the person who shall be elected and commissioned to succeed him, in said ward, borough or township.

SECT. XI. That the city of Lancaster, in the election of aldermen for said city, shall be divided into four wards, as follows: That portion of the said city lying east of North Queen street and the Lancaster and the Reading road, and north of East King street and the Lancaster and Philadelphia turnpike road to constitute one ward, and to be denominated the North-East ward of the said city. That portion of the said city lying east of South Queen street and a public road leading to the Conestoga creek, and south of East King street and the Lancaster and Philadelphia turnpike road, to constitute another ward of the

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said city, and to be denominated the South-East ward. That portion of the said city lying west of North Queen street and the Lancaster and Reading road, and north of West King street and the Lancaster and Columbia turnpike road, to constitute another ward of said city, and to be denominated the North West ward. That portion of the said city lying west of South Queen street and a public road leading to the Conestoga creek and south of West King street, and the Lancaster and Columbia turnpike road, to constitute another ward of said city, and to be denominated the South West ward. And the election for aldermen shall be held at the court house, in the city of Lancaster, and shall be conducted in the mode and manner, and by the same officers as is provided for by this act, and in all other respects be subject to its provisions.

SECT. XII. That the several aldermen in the incorporated districts of the county of Philadelphia, who shall be elected and commissioned under the provisions of this act, shall have all the jurisdiction now vested, by law, in the aldermen in the city of Philadelphia, and the justices of the peace, who shall be elected in the incorporated townships of said county, shall have and enjoy all the jurisdiction which is by law vested in the several justices of the peace in this Commonwealth.

SECT. XIII. That the several aldermen and justices of the peace, elected and commissioned under this act, shall be subject to removal in the same manner and for the same causes prescribed by the existing laws of this Commonwealth, and during their continuance in office, shall respectively keep their offices in the ward, borough or township, for which they shall have been elected.

*ACT of June 13, 1840. Pamph. Laws, p. 689*

*A further supplement to an act, entitled 'An act providing for the election of aldermen and justices of peace,' passed twenty-first June, one thousand eight hundred and thirty-nine, and for other purposes.*

14. SECT. I That in all cases where an equal number of legal votes, has been or shall hereafter be polled, for two or more candidates for the office of alderman or justice of the peace, in any ward, borough, township or district, so that the said officers required by law, shall not be duly elected, or where any election shall be declared void by the court, it shall be lawful for the qualified voters of such ward, borough, township or district, to hold another election for the choice of such officer or officers, and to fill such vacancy. But before holding the same, it shall be the duty of the constable of the proper ward, borough, township or district, to give notice in the manner prescribed by law, that on a certain day mentioned in said notice, not less than twenty nor more than thirty days thereafter, an election will be held to fill such vacancy; which election shall be held and conducted in the mode and manner, and by the same officers and persons, as the constables' elections are held and conducted, and at the same place and between the same hours, and be subject to the like inquiry and judgment of the court of the proper county, as aldermen or justices elected under the provisions of the act, to which this is a further supplement: *Provided*, That when the election of any such officer shall be vacated or set aside, by a decision of the court, the said court shall fix the time of holding such new election, which shall not be less than twenty days thereafter: *And provided*, That no election held under the provisions of the section hereinafter repealed, upon legal notice given by the proper constable, to fill any vacancy contemplated by said section, shall be declared void, because it was held on a day fixed by the said constable.

SECT. II. The commissions issued to aldermen or justices of the peace, elected under the provisions of this act, shall take effect from the same date and time, and continue until the same period as commissions, issued under the act of the twenty-first June, one thousand eight hundred and thirty-nine, to which this is a further supplement, and shall expire at the same time, with



commissions issued to such officers elected at the time of electing constables.

SECT. III. (*See supra* 11.)

SECT. IV. All contested elections of aldermen or justices of the peace, shall be tried in the Courts of Common Pleas, according to the provisions of the act to which this is a further supplement; and the said courts, in the trial of such contest, shall have all the powers conferred by the one hundred and fifty-fifth, one hundred and fifty-sixth, and one hundred and fifty-seventh sections of the act entitled "An act relating to elections of this Commonwealth, passed the second day of July, one thousand eight hundred and thirty-nine;" but no proceeding commenced, and now pending in the Courts of Quarter Sessions, shall be dismissed by reason of the passage of this act, but the same shall be pursued to completion, with like power and effect, as though it had been commenced in the Court of Common Pleas.

SECT. V. No state tax shall hereafter be charged on account of recording the commission, oath, bond, or other paper connected with the election, and appointment of aldermen and justices of the peace within this Commonwealth.

SECT. VI. That the first section of the act of the eleventh April, one thousand eight hundred and forty, entitled "A supplement to an act, entitled 'An act providing for the election of aldermen and justices of the peace,' passed the twenty-first day of June, one thousand eight hundred and thirty-nine," be and the same is hereby repealed. (*See Justices, &c.*, 6.)

*ACT of April 14, 1840. Pamph. Laws, p. 345.*

(15.) SECT. LXVIII. That the qualified electors of the county of Clinton shall, at the next general election, at the time and place of electing representatives, and whenever it becomes necessary for an election under the provisions of the act of 2d July, 1839, [as above,] elect one person to fill the offices of prothonotary, clerk of the Courts of Oyer and Terminer, General Quarter Sessions and Orphans' Court, register of wills, and recorder of deeds, for said county.

ACTS PASSED IN THE YEARS 1841—1848.

*ACT of 27th February, 1841. Pamph. Laws, p. 44.*

*An Act to divide certain wards, in the City of Philadelphia, into election precincts, and to increase the number of Councilmen in the Borough of Manayunk.*

(16.) SECT. I. That for all general and special elections, after the third Friday of March, one thousand eight hundred and forty-one, Cedar ward, Locust ward, North ward, South Mulberry ward and North Mulberry ward, in the city of Philadelphia, shall each be divided into two election precincts, to be bounded and described as follows: South Cedar, bounded by the west side of Delaware Seventh street, the south side of Pine street, the north side of Cedar street and the river Schuylkill; North Cedar, bounded by the west side of Delaware Seventh street, the north side of Pine street, the south side of Spruce street and the river Schuylkill; East Locust bounded by the west side of Delaware Seventh street, the north side of Spruce street, the east side of Broad street, and the south side of Walnut street; West Locust bounded by the west side of Broad street, the north side of Spruce street, the river Schuylkill and the south side of Walnut street; East North bounded by the north side of Market street, the east side of Broad street, the south side of Mulberry street and the west side of Delaware Seventh street; West North bounded by the west side of Broad street, the north side of Market street, the river

Schuylkill and the south side of Mulberry street; East South Mulberry bounded by Delaware Seventh street, the north side of Mulberry street, the east side of Broad street and the south side of Sassafras street; West South Mulberry bounded by the west side of Broad street, the north side of Mulberry street, the river Schuylkill and the south side of Sassafras street; East North Mulberry bounded by the west side of Delaware Seventh street, the south side of Sassafras street, the east side of Broad street, and the south side of Vine street; West North Mulberry bounded by the west side of Broad street, the north side of Sassafras street, the river Schuylkill, and the south side of Vine street; and the qualified electors, residing within such precincts, shall at all such elections, vote at windows in the state house, and on the south and east sides of the county court house, in the city of Philadelphia, to be provided by the county commissioners, according to existing laws, each window to be designated with the name of the ward and precinct aforesaid. [*Cedar ward divided, see below, 35.*]

SECT. II. That the inspectors and judges, who shall be elected on the third Friday of March next, and those who shall be elected in every year thereafter, to conduct the general and special elections in said Cedar, Locust, North, South, Mulberry and North Mulberry wards, shall as soon as conveniently may be after the said election, appoint additional inspectors and judges as follows: each inspector shall appoint an additional inspector, and each judge an additional judge, to act as judge and inspectors in the precinct for which he shall be appointed, each additional inspector and judge to be a resident and qualified elector of the precinct for which he shall be appointed.

SECT. III. No inspector in said precincts shall receive any ticket from any person other than an elector residing within the said precincts, and the additional inspectors, to be appointed under the provisions of this act, shall have the power to appoint clerks; and the said additional inspectors and judges shall, within their respective precincts, take the same oaths or affirmations, and perform the same duties as are now by law imposed on and taken by inspectors and judges, and in case of a vacancy in the place of such additional inspector or judge, the same shall be filled by the inspector or judge who made the original appointment.

SECT. IV. It shall be the duty of the commissioners of the county of Philadelphia, to furnish to the additional inspectors and judges to be appointed under the provisions of this act, the same ballot boxes, blank forms, lists of taxables and all other matters which are now by law furnished to judges and inspectors of elections within the said city.

SECT. V. That on the closing of the polls in the said precincts and the counting of the votes, the judges of the precincts, hereby erected in each of the said wards, shall add together the number of votes received in the said precincts, so as to make a single return for the said ward, and in the choice of a return judge for the said city, the said additional judge shall not vote, but the same shall be elected as heretofore provided for by law.

SECT. VI. That the electors residing within East North Mulberry, West North Mulberry, East South Mulberry, West South Mulberry, and East North precinct, shall vote at windows, to be provided on the south and east sides of the county court house, at the corner of Sixth and Chestnut streets in the said city, and the electors of West North precinct, Chestnut ward, High street ward, Lower Delaware ward, Upper Delaware ward, North Cedar precinct, South Cedar precinct, New Market ward, East Locust precinct, West Locust precinct, Pine ward, Dock ward, South ward, Walnut ward and Middle ward, shall vote as heretofore, at windows, to be provided in the state house.

SECT. VII. That nothing in this act contained shall be construed to affect or interfere with the present division of the wards of the city of Philadelphia, or the officers thereof, except as herein before specified.

SECT. VIII. That the additional inspectors and judges and clerks, herein appointed shall be entitled to the same compensation as is now by law allowed.



*ACT of April 3, 1841. Pamph. Laws, p. 144.*

(17.) SECT. II. That it shall be the duty of the assessors, within the city and incorporated districts of the county of Philadelphia, in preparing the alphabetical lists and copies thereof of the white freemen residing within their respective wards, as required by the fourth section of the act of the thirteenth June, one thousand eight hundred and forty, entitled, "A supplement to an act relating to elections of this Commonwealth," to insert thereon the occupation and place of residence of each of said white freemen, specifying the street and number of the house where such white freeman resides. [See p. 34.]

SECT. III. The said assessors shall, on inserting the additional names as provided for by the fifth section of the said act, mark opposite thereto the occupation and residence of the person whose name is added to the list, and upon the duplicate copies required to be furnished to the officers of the election, the residences and occupations shall be marked as aforesaid.

*ACT of May 27, 1841. Pamph. Laws, p. 400.*

*An Act relating to the election of county Treasurers, and for other purposes.*

(18.) SECT. I. [Provided for the election in each county of a county treasurer, on the second Tuesday of October, in the year 1841, and on the same day every two years thereafter, to serve for two years from the first Monday of January after his election.] *See the Act in full under the title "Counties and Townships, and County and Township officers."*

*ACT of January 15, 1842. Pamph. Laws, p. 447.*

*Resolution changing the time of electing State Treasurer.*

(19.) SECT. I. That the Senate and House of Representatives shall, at twelve o'clock meridian, on the third Monday of January in the present and each succeeding year, proceed to elect a State Treasurer, in the manner provided by the act, entitled "An Act relating to elections of this Commonwealth," passed the second day of July, one thousand eight hundred and thirty-nine, for which purpose each branch of the Legislature shall, on the same day, or on Saturday immediately preceding, appoint a teller to act at said election, and that so much of any law as is hereby altered or supplied be and the same is hereby repealed. [See p. 30.]

*ACT of March 4, 1842. Pamph. Laws, p. 53.*

*An ACT regulating election districts and for other purposes.*

(20.) SECT. LXXXIV. That from and after the passage of this act, in all township elections of this Commonwealth, for judges of the general and township elections, where a tie shall exist in the said election of judges, the inspector who shall have the highest number of votes, in said election, shall appoint a judge for that purpose.

*ACT of April 4, 1842. Pamph. Laws, p. 223.*

(21.) SECT. IV. [The citizens of the county of Wyoming, qualified, &c., shall elect &c., one reputable citizen to be prothonotary and clerk of the Courts of Oyer and Terminer and Quarter Sessions of the Peace, one reputable citizen to be register of wills, and recorder of deeds.]

*ACT of June 23, 1842. Pamph. Laws, p. 304.*

(22.) SECT. IX. [Clerk of courts of Oyer and Terminer and Quarter Sessions in Philadelphia county to be elected.]

[The court of General Sessions for the city and county of Philadelphia was abolished by the Act of Feb. 3, 1843. Pamph. Laws, p. 8.]

*ACT of July 11, 1842. Pamph. Laws, p. 328.*

*An ACT regulating election districts, and for other purposes.*

(23.) SECT. XLIV. That it may be lawful for the qualified electors of any township that is or may be hereafter erected, to elect such number of justices of the peace as by law the said township may be entitled to, at such times and places as are already prescribed by law. [See p. 42.]

*ACT of March 7, 1843. Pamph. Laws, p. 52.*

(24.) SECT. XXVIII. The qualified electors of the city and county of Philadelphia, shall vote for governor, senators, and members of the House of Representatives, and members of Congress, by delivering to the proper officer one written or printed ticket, containing on the inside the designation of said offices, respectively, and immediately below the designation of the office the name of the person or persons voted for to fill the office: the tickets shall be so folded as to conceal the names of the persons voted for, and on the outside fold shall be written or printed the words 'state officers;' and the said electors shall vote for county officers, that is to say, for sheriff, county treasurer, auditors, county commissioners, prothonotary of the District Court, clerk of the Court of Oyer and Terminer and General Quarter Sessions, clerk of the Orphans' Court, prothonotary of the Court of Common Pleas, register of wills, and recorder of deeds, by delivering one ticket, written or printed, and folded as aforesaid, which ticket shall contain on the inside the designation of said county offices, and the name or names of the person or persons voted for to fill them, in the manner above directed in regard to state officers, and on the outside of said ticket shall be written or printed the words 'county officers;' and the electors of the city of Philadelphia shall vote for mayor, select and common council-men, on one ticket, which shall be prepared in the manner above provided with regard to state and county officers, which ticket shall have written or printed on the outside fold the words 'municipal officers;' and the mayor of the Northern Liberties, and the commissioners of the incorporated districts within said county, shall be voted for on separate tickets, as is now prescribed by law. [As to voting for Canal Commissioners; see below, 40.]

*ACT of March 7, 1843. Pamph. Laws, p. 60.*

(25.) SECT. VII. That in all cases of the erection of a new ward or wards, in any borough or city of this Commonwealth, the commissions of justices and aldermen within the territory out of which such new ward or wards were erected, shall continue for the proper new ward, in which such justices or aldermen may reside, for the balance of the official term; and their official acts shall be as valid as if no such new wards had been erected; and the deficiency of the number of justices or aldermen, allowed by the constitution to each ward, shall be supplied in the manner now directed by law in case of other vacancies. [See, below, the Act of March, 9, 1846.]

*ACT of 31st March, 1843. Pamph. Laws, p. 122.*

*An Act relative to the city and county of Philadelphia.*

(26.) SECT. III. And hereafter in case of contested elections of county



officers, [in the county of Philadelphia,] the court [of Common Pleas of the said county] shall determine who shall pay the costs, but if the complaint shall be made without probable cause, the petitioners shall pay the costs; and in such cases the county commissioners shall proceed to recover the same by attachment issued by the court.

*ACT of March 25, 1843. Pamph. Laws, p. 115.*

*An Act to divide the State into Congressional districts, for the election of Representatives in the Congress of the United States*

(27.) **SECT. I.** That for the purpose of electing representatives of the people of Pennsylvania, to serve in the House of Representatives in the Congress of the United States, this State shall be divided into twenty-four districts as follows :

*First.*—Southwark, Moyamensing, and Passyunk, and Cedar Ward and New Market Ward, of the city of Philadelphia, shall compose the first district, and elect one representative.

*Second.*—The city of Philadelphia, except Cedar Ward and New Market Ward, shall compose the second district, and elect one representative.

*Third.*—The Northern Liberties and Spring Garden, in the county of Philadelphia, shall compose the third district, and elect one representative.

*Fourth.*—Kensington, North and South Penn, Roxborough, Germantown, Bristol, Unincorporated Northern Liberties, Oxford, Lower Dublin, Byberry and Moreland, Blockley, West Philadelphia and Kingsessing, in the county of Philadelphia, shall compose the fourth district, and elect one representative.

*Fifth.*—The counties of Delaware and Montgomery shall be the fifth district, and elect one member.

*Sixth.*—The counties of Bucks and Lehigh shall be the sixth district, and elect one member.

*Seventh.*—The county of Chester shall be the seventh district, and elect one member.

*Eighth.*—The county of Lancaster shall be the eighth district, and elect one member.

*Ninth.*—The county of Berks shall be the ninth district, and elect one member.

*Tenth.*—The counties of Northampton, Monroe, Pike and Wayne, shall be the tenth district, and elect one member. [And Carbon county, by act of April 13, 1843. Pamph. Laws, p. 232.]

*Eleventh.*—The counties of Luzerne, Columbia and Wyoming, shall be the eleventh district, and elect one member.

*Twelfth.*—The counties of Bradford, Susquehanna and Tioga, shall be the twelfth district, and elect one member.

*Thirteenth.*—The counties of Lycoming, Northumberland, Union and Clinton, shall be the thirteenth district, and elect one member.

*Fourteenth.*—The counties of Dauphin, Lebanon and Schuylkill, shall be the fourteenth district, and elect one member.

*Fifteenth.*—The counties of Adams and York shall be the fifteenth district, and elect one member.

*Sixteenth.*—The counties of Cumberland, Perry and Franklin, shall be the sixteenth district, and elect one member.

*Seventeenth.*—The counties of Centre, Huntingdon, Juniata and Mifflin shall be the seventeenth district, and elect one member. [And Blair county, by Act of Feb. 26, 1846.]

*Eighteenth.*—The counties of Greene, Fayette and Somerset shall compose the eighteenth district, and elect one member.

*Nineteenth.*—The counties of Westmoreland, Bedford and Cambria, shall compose the nineteenth district and elect one member.

*Twentieth.*—The counties of Washington and Beaver shall compose the twentieth district, and elect one member.

*Twenty-first.*—The county of Allegheny shall compose the twenty-first district, and elect one member.

*Twenty-second.*—The counties of Venango, Mercer and Crawford, shall compose the twenty-second district, and elect one member.

*Twenty-third.*—The counties of Erie, Warren, M'Kean, Clarion, Potter and Jefferson, shall compose the twenty-third district, and elect one member.

*Twenty-fourth.*—The counties of Butler, Armstrong, Indiana and Clearfield, shall compose the twenty-fourth district, and elect one member.

SECT. II. That the election of representatives, to serve in the House of Representatives of the Congress of the United States, agreeably to the Constitution of the United States, and the direction of this act, shall be held by the citizens of this State, qualified to vote for members of the State Legislature, on the second Tuesday of October next, for the twenty-eighth congress, and on the second Tuesday of October, one thousand eight hundred and forty-four, for the twenty-ninth Congress, and in every second year thereafter, until an enumeration of the inhabitants of the United States shall be taken agreeably to the constitution and laws of the United States, at the same places, respectively, under the care and direction of the same officers, and subject to all the laws, penalties, rules and regulations now in force for the conducting and governing elections within this Commonwealth.

SECT. III. The returns of the election held under this act, shall be made at the times and manner prescribed for making returns of elections by the seventy-sixth, seventy-seventh, seventy-eighth, seventy-ninth, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, eighty-fifth and eighty-sixth sections of the consolidated acts regulating elections within this commonwealth, passed the second day of July, A. D., one thousand eight hundred and thirty-nine.

SECT. IV. The judges of the first, second, third, and fourth districts, shall meet at the state house, in the city of Philadelphia.

The judges of the fifth district shall meet at the court house, in the borough of Norristown.

The judges of the sixth district shall meet at the court house, in the borough of Allentown.

The judges of the seventh district shall meet at the court house, in the borough of West Chester.

The judges of the eighth district shall meet at the court house, in the city of Lancaster.

The judges of the ninth district shall meet at the court house, in the borough of Reading.

The judges of the tenth district shall meet at the court house, in the borough of Stroudsburg, in Monroe county.

The judges of the eleventh district shall meet at the court house, in the borough of Wilkesbarre.

The judges of the twelfth district shall meet at the court house, in the borough of Towanda.

The judges of the thirteenth district shall meet at the court house, in the borough of Williamsport.

The judges of the fourteenth district shall meet at the court house, in the borough of Lebanon.

The judges of the fifteenth district shall meet at Smith's tavern, in Hanover, York county.

The judges of the sixteenth district shall meet at the court house, in the borough of Carlisle.

The judges of the seventeenth district shall meet at [The house of Alexander M'Coy, at Potter's Fort, in Centre county.] [Norris' mills, in Mifflin county.]



Act of 13th April, 1843. Pamph. Laws, p. 232.] [At Brown's mills, Mifflin county, by Act of Jan. 22, 1844. Pamph. Laws, p. 32.]

The judges of the eighteenth district shall meet at the court house, in the borough of Uniontown.

The judges of the nineteenth district shall meet at the house of Samuel Renshaw, in the borough of Johnstown, in Cambria county.

The judges of the twentieth district shall meet at the house of James Briceland, in Florence, Washington county.

The judges of the twenty-first district shall meet at the court house, in the city of Pittsburgh.

The judges of the twenty-second district shall meet at the house of William Dunn, in Georgetown, Mercer county.

The judges of the twenty-third district shall meet at the house of John Rymer, in Rymersburg, in Clarion county. [At the house of Hezekiah Christman, in the town of Smecksburg, in the county of Indiana.—See Act of April 24, 1843. Pamph. Laws, 396.]

*ACT of April 13, 1843. Pamph. Laws, p. 231.*

(28.) SECT. IV. [The qualified citizens of Carbon county to elect one person to be prothonotary and clerk of the Court of Oyer and Terminer, and Quarter Sessions, and clerk of Orphans' Court, one person to be register of wills and recorder of deeds.]

*ACT of April 14, 1843. Pamph. Laws, p. 247.*

*An Act to fix the number of senators and representatives, and form the state into districts, in pursuance of the provisions of the Constitution.*

(29.) SECT. I. That until the next enumeration of the taxable inhabitants, and an apportionment thereon, the Senate at a ratio of eleven thousand seven hundred and forty-six, shall consist of thirty-three members, and be apportioned as follows, viz :

*First.*—The city of Philadelphia shall compose the first district, and elect two members.

*Second.*—The county of Philadelphia shall compose the second district, and elect three members.

*Third.*—The county of Montgomery shall compose the third district, and elect one member.

*Fourth.*—The counties of Chester and Delaware shall compose the fourth district, and elect one member.

*Fifth.*—The county of Berks shall compose the fifth district, and elect one member.

*Sixth.*—The county of Bucks shall compose the sixth district, and elect one member.

*Seventh.*—The counties of Lancaster and Lebanon shall compose the seventh district, and elect two members.

*Eighth.*—The counties of Schuylkill, Carbon, Monroe and Pike, shall compose the eighth district, and elect one member.

*Ninth.*—The counties of Northampton and Lehigh shall compose the ninth district, and elect one member.

*Tenth.*—The counties of Susquehanna, Wayne and Wyoming, shall compose the tenth district, and elect one member

*Eleventh.*—The counties of Bradford and Tioga shall compose the eleventh district, and elect one member.

*Twelfth.*—The counties of Lycoming, Clinton and Centre, shall compose the twelfth district, and elect one member.

*Thirteenth.*—The counties of Luzerne and Columbia shall be the thirteenth district, and elect one member.

*Fourteenth.*—The counties of Northumberland and Dauphin shall be the fourteenth district, and elect one member.

*Fifteenth.*—The counties of Mifflin, Juniata and Union, shall be the fifteenth district, and elect one member.

*Sixteenth.*—The counties of Perry and Cumberland shall be the sixteenth district, and elect one member.

*Seventeenth.*—The county of York shall be the seventeenth district, and elect one member.

*Eighteenth.*—The counties of Franklin and Adams shall compose the eighteenth district, and elect one member.

*Nineteenth.*—The counties of Huntingdon and Bedford shall compose the nineteenth district, and elect one member. [And Blair county, by Act of Feb. 26, 1846.]

*Twentieth.*—The counties of Clearfield, Indiana, Cambria and Armstrong, shall compose the twentieth district, and elect one member.

*Twenty-first.*—The counties of Westmoreland and Somerset shall compose the twenty-first district, and elect one member.

*Twenty-second.*—The counties of Fayette and Greene shall compose the twenty-second district, and elect one member.

*Twenty-third.*—The county of Washington shall compose the twenty-third district, and elect one member.

*Twenty-fourth.*—The counties of Allegheny and Butler shall compose the twenty-fourth district, and elect two members.

*Twenty-fifth.*—The counties of Beaver and Mercer shall compose the twenty-fifth district, and elect one member.

*Twenty-sixth.*—The counties of Crawford and Venango shall compose the twenty-sixth district; and elect one member.

*Twenty-seventh.*—The county of Erie shall compose the twenty-seventh district, and elect one member.

*Twenty-eighth.*—The counties of Warren, Jefferson, Clarion, M'Kean and Potter, shall be the twenty-eighth district, and elect one member.

SECT. II. In those districts which are composed of more than one county, the judges of the district elections within each county, after having formed a return of the whole election within such county, in such manner as is or may be directed by law, shall send the same, by one of their number, to the place hereinafter mentioned within the district of which such county is a part, where the judges so met shall cast up the several county returns, and execute under their hands and seals one general and true return for the whole districts, viz :

The judges of the first and second districts shall meet at the state house, in the city of Philadelphia.

The judges of the third district shall meet at the court house, in Norristown, Montgomery county,

The judges of the fourth district shall meet at the court house, in the borough of West Chester, in the county of Chester.

The judges of the seventh district shall meet at the court house, in the city of Lancaster.

The judges of the eighth district shall meet at the house of John Lentz, in Mauch Chunk, Carbon county.

The judges of the ninth district shall meet at the court house, in the borough of Easton, in Northampton county.

The judges of the tenth district shall meet at the Dundaff Hotel, in the borough of Dundaff, in Susquehanna county.

The judges of the eleventh district shall meet at the house of Curtiss Merritt, in Columbia township, in Bradford county.



The judges of the twelfth district shall meet at the court house, in the borough of Lock Haven, in Clinton county.

The judges of the thirteenth district shall meet at the house of William Hoyt, in Shickshinny, in Luzerne county.

The judges of the fourteenth district shall meet at the house of Jacob Spotts, in Dalmatia, in Northumberland county.

The judges of the fifteenth district shall meet at the house of Henry Mick, in Adamsburg, in Union county.

The judges of the sixteenth district shall meet at the court house, in Cumberland county.

The judges of the seventeenth district shall meet at the court house, in the borough of York.

The judges of the eighteenth district shall meet at the house of ——— Sterner, Franklin township, in Adams county.

The judges of the nineteenth district shall meet at the court house, in Bedford county.

The judges of the twentieth district shall meet at the court house, in Indiana county.

The judges of the twenty-first district shall meet at the court house, in Westmoreland county.

The judges of the twenty-second district shall meet at the house of Jeremiah Davidson, in Fayette county.

The judges of the twenty-third district shall meet at the court house, in the borough of Washington, Washington county.

The judges of the twenty-fourth district shall meet at the house of James Jones, in Bakerstown, Allegheny county.

The judges of the twenty-fifth district shall meet at the house of Andrew Lewis, in New Castle, in Mercer county.

The judges of the twenty-sixth district shall meet at the house of John Burns, Wayne Township, Crawford county.

The judges of the twenty-seventh district shall meet at the court house, in the city of Erie, Erie county.

The judges of the twenty-eighth district shall meet at the Montmorency House, Montmorency, in Jefferson county.

SECT. III. That until the next enumeration of taxables and apportionment thereon made, the house of representatives, at a ratio of three thousand eight hundred and seventy-six, shall consist of one hundred members, viz :

The county of Adams shall be entitled to one member. The county of Allegheny to four. The county of Armstrong to one. The county of Bedford to two. The county of Beaver to two. The county of Bradford to two. The county of Berks to four. The county of Bucks to three. The county of Butler to one. The county of Crawford to two.

The counties of Centre and Clearfield to two, and the return judges shall meet at the house of James M'Girk, in the town of Phillipsburg, in the county of Centre.

The county of Chester to three. The county of Columbia to one. The county of Northumberland to one. The county of Cumberland to two. The county of Delaware to one. The county of Dauphin to two. The county of Erie to two. The county of Franklin to two. The county of Fayette to two. The county of Cambria to one. The county of Lebanon to one. The county of Greene to one. The county of Huntingdon to two. The county of Indiana to one.

The counties of Jefferson, Clarion, and Venango to two, and the return judges to meet at the court house in Clarion, Clarion county.

The county of Philadelphia to eight. The city of Philadelphia to five. The county of Montgomery to three. The county of York to three. The county of Lancaster to five. The county of Schuylkill to two.

The counties of Lehigh and Carbon to two, and the return judges shall meet at the house of Thomas Craig, at Lehigh Gap, in Carbon county.

The counties of Northampton and Monroe to three, and the return judges shall meet at the court house in Northampton county.

The county of Luzerne to two.

The counties of Wayne and Pike to one, and the return judges shall meet at the court house in Honesdale, in Wayne county. [At the house of John Decker, in Pike county; by act of Feb. 9, 1845.]

The counties of Susquehanna and Wyoming to two, and the return judges shall meet at the house of Spencer Hickcox, in Springville, Susquehanna county.

The county of Tioga to one.

The counties of Lycoming, Clinton and Potter to two, and the return judges shall meet at the court house in Clinton county.

The county of Mifflin to one.

The counties of Union and Juniata to two, and the return judges shall meet at the house of Henry Mick, Adamsburg, Union county.

The county of Perry to one. The county of Somerset to one. The county of Mercer to two. The county of Washington to two. The county of Westmoreland to three.

The counties of Warren and M'Kean to one, and the return judges shall meet at the court house in Warren county.

SECT. IV. The senators and representatives shall be chosen by the duly qualified citizens of the city of Philadelphia, and the several counties of this Commonwealth, at the time, manner and places, prescribed by the Constitution and the laws of this Commonwealth.

SECT. V. The senators shall be chosen in the several districts at the following times, to wit:

In the first district, one senator shall be chosen at the general election of eighteen hundred and forty-four; one at the general election of eighteen hundred and forty-five.

In the second district, one senator shall be chosen at the general election of eighteen hundred and forty-three; one at the general election of eighteen hundred and forty-four; and one at the general election of eighteen hundred and forty-five.

In the third district, one senator shall be chosen at the general election of eighteen hundred and forty-three.

In the fourth district, one senator shall be chosen at the general election of eighteen hundred and forty-five.

In the fifth district, one senator shall be chosen at the general election of eighteen hundred and forty-three.

In the sixth district, one senator shall be chosen at the general election of eighteen hundred and forty-three.

In the seventh district, two senators shall be chosen at the general election of eighteen hundred and forty-five.

In the eighth district, one senator shall be chosen at the general election of eighteen hundred and forty-three.

In the ninth district, one senator shall be chosen at the general election of eighteen hundred and forty-three.

In the tenth district, one senator shall be chosen at the general election of eighteen hundred and forty-four.

In the eleventh district, one senator shall be chosen at the general election of eighteen hundred and forty-three.

In the twelfth district, one senator shall be chosen at the general election of eighteen hundred and forty-three.

In the thirteenth district, one Senator shall be chosen at the general election of eighteen hundred and forty-four.



In the fourteenth district, one senator shall be chosen at the general election of eighteen hundred and forty-five.

In the fifteenth district, one senator shall be chosen at the general election of eighteen hundred and forty-five.

In the sixteenth district, one senator shall be chosen at the general election of eighteen hundred and forty-four.

In the seventeenth district, one senator shall be chosen at the general election of eighteen hundred and forty-three.

In the eighteenth district, one senator shall be chosen at the general election of eighteen hundred and forty-four.

In the nineteenth district, one senator shall be chosen at the general election of eighteen hundred and forty-four.

In the twentieth district, one senator shall be chosen at the general election of eighteen hundred and forty-four.

In the twenty-first district, one senator shall be chosen at the general election of eighteen hundred and forty-five.

In the twenty-second district, one senator shall be chosen at the general election of eighteen hundred and forty-five.

In the twenty-third district, one senator shall be chosen at the general election of eighteen hundred and forty-five.

In the twenty-fourth district, one senator shall be chosen at the general election of eighteen hundred and forty-three, and one in eighteen hundred and forty-four.

In the twenty-fifth district, one senator shall be chosen at the general election of eighteen hundred and forty-four.

In the twenty-sixth district, one senator shall be chosen at the general election of eighteen hundred and forty-four.

In the twenty-seventh district, one senator shall be chosen at the general election of eighteen hundred and forty-three.

In the twenty-eighth district, one senator shall be chosen at the general election of eighteen hundred and forty-five.

*ACT of 18th April, 1843. Pamph. Laws, p. 337.*

*An ACT to reduce the expenses and provide for the election of the Board of Canal Commissioners.*

(30.) SECT. I. That at the next annual election, the qualified voters of the several counties of this Commonwealth, shall vote for three persons as canal commissioners, who shall perform all the duties now by law enjoined upon the canal commissioners of this Commonwealth; the persons so elected shall decide by drawing from a box, ballots numbered one, two and three, which of them shall hold his office one, which two, and which three years; the commissioner who shall draw the ballot numbered three, shall hold his office three years; he who shall draw the ballot numbered two, shall hold his office two years; and the other shall hold his office one year; on the second Tuesday of October in each year thereafter, there shall be elected one person as canal commissioner, who shall hold his office for three years; the elections of canal commissioners shall be conducted by the officers authorized by law to conduct the general elections in the several election districts; a return of the votes given for said office, shall be made to the secretary of the Commonwealth, in the manner now provided for the transmission of returns of elections of representatives; the Secretary of the Commonwealth, on receipt of all the returns, shall notify the persons so elected, who shall enter upon the duties of their office on the second Tuesday in January succeeding their election; if any vacancy shall occur in the said board of canal commissioners, by death, resignation or otherwise, the Governor shall appoint a suitable person to supply the vacancy until the next general election, when a

person shall be elected for the unexpired term of him whose death, resignation or removal, shall have caused a vacancy, and that the pay of the said canal commissioners, as well as the present canal commissioners, from and after the passage of this act, shall each be three dollars per day.

*ACT of April 9, 1844. Pamph. Laws, p. 220.*

*A supplement to the act [of July 2, 1839.]*

(31.) SECT. II. That the fifty-ninth section of an act to which this is a supplement, which requires the attendance of assessors at the board of elections, is hereby repealed, so far as it relates to Bradford, Wyoming, Tioga, Susquehanna, Wayne, Montgomery and Clinton counties.

*ACT of April 26, 1844. Pamph. Laws, p. 605.*

*Resolution to authorize the County Commissioners of Philadelphia county to borrow money, and for other purposes.*

(32.) *Resolved*, That in lieu of the duties imposed by the fifth section of the act of the General Assembly, passed June thirteenth, one thousand eight hundred and forty, upon the assessors of the several wards and townships of the city and county of Philadelphia, it shall be the duty of the said assessors, in conjunction with the inspectors of the election in each and every ward, to meet fifteen days previous to the day of the general election, at the place of holding the ward election, for the purpose of adding to the list of taxable inhabitants, prepared by the assessor, the names of such citizens as are constitutionally qualified to vote, and who may have moved into their respective wards, after the assessment, or who may have been omitted by the assessor; and said assessors and inspectors shall remain in session from three o'clock, post meridian, until nine o'clock, post meridian, and the inspectors shall be allowed the same compensation per day, as is now allowed to the assessors. [*See, in reference to Presidential elections, below, the Act of April 11, 1848, Sect. IV.*]

*Resolved*, That it shall not be lawful for such assessors or inspectors to add to the list any name, unless the person claiming to be added thereto, shall appear in person.

(33.) *Resolved*, That any person who may be constitutionally qualified to vote in any city or county of this Commonwealth, but may have removed from one ward to another ward within such city, or from any borough or township in any such county to any borough or township in such county, within ten days next preceding any general election held therein, shall be entitled to vote at such general election at the ward, borough or township, from which such person may have so removed.

*ACT of April 12, 1845. Pamph. Laws, p. 383.*

(34.) *An act to divide the wards of the district of Spring Garden into election divisions.* [*See below, 36.*]

*ACT of Feb. 4, 1846. Pamph. Laws, p. 24.*

(35.) *An act to divide Cedar ward, in the city of Philadelphia, into three wards.*

*ACT of Feb. 13, 1846. Pamph. Laws, p. 41.*

*An act to divide Spring Garden into wards and precincts, and to increase the number of commissioners.*

(36.) SECT. I. [Divided the District of Spring Garden into wards and precincts, and provided that all general and special elections shall be held at the places pre-



scribed in the act.] Provided, that it shall and may be lawful for the qualified voters of each of said wards and precincts to change the place of holding the said elections of their wards and precincts to such other places in the same wards and precincts as may be most convenient for them, in the same manner, and under the same regulations, as is provided by law for changing the place of holding ward elections in the city of Philadelphia.

SECT. III. That the aldermen now in commission in the District shall, for the time for which they were elected, be the aldermen of the wards in which they reside.

And the qualified electors of the third, fifth, and seventh wards shall elect an alderman for each of said wards, on the third Friday of March next; and the qualified electors of each of the wards shall, on the third Friday of March next, and annually thereafter, elect one constable, one assessor and two assistant assessors, at the time prescribed by law for electing the same.

And the qualified electors of each of the precincts of the first, second, and third wards, shall elect for each precinct one judge, and two inspectors of elections.

SECT. IV. [Provided for the appointment of election officers for the next election.]

SECT. V. It shall be the duty of the commissioners of the county of Philadelphia, to furnish to the additional judges and inspectors to be appointed under this act ballot boxes, blank forms, and lists of taxables, as are now by law furnished to judges and inspectors of elections within the said district, and to pay the said additional judges, inspectors, and clerks, the same compensation as to other election officers.

SECT. VI. That the qualified electors of the District of Spring Garden shall, at the general election on the second Tuesday of October next, elect eleven persons to serve as commissioners of said district, seven of whom to serve for three years, two for two years, and two for one year; and annually thereafter they shall elect seven persons to serve as commissioners for three years, so that the board of commissioners of said district shall hereafter consist of twenty-one members.

*ACT of Feb. 13, 1846. Pamph. Laws, p. 44.*

(37.) *An act to divide the Fifth, Sixth and Seventh wards in the incorporated district of the Northern Liberties, in the county of Philadelphia, into election precincts.*

*ACT of Feb. 26, 1846. Pamph. Laws, p. 64.*

(38.) [Blair county erected; return judges to meet at the court house; one person to fill the offices of prothonotary, clerk of the courts of General Quarter Sessions, of Oyer and Terminer, and of the Orphans' Court, and one person to fill the offices of Register of Wills, and Recorder of Deeds; the county to be attached to the seventeenth congressional district; and to elect with Huntingdon and Bedford, one senator, and with Huntingdon one representative.]

*Act of March 9, 1846. Pamph. Laws, 105.*

(39.) SECT. I. That in all cases of the erection of any new township, borough or ward, in any city or county of this commonwealth, the commissions of justices of the peace and aldermen, within the respective territories out of which such township, borough or ward, has been or may be erected, shall continue for the proper township, borough or ward, in which such justice or alderman may respectively reside, for the balance of the official term; and any deficiency in the proper number of aldermen or justices of the territory of either such new divisions, according to the number allowed to each township, borough and ward, by the act

of the twenty-first day of June, one thousand eight hundred and thirty-nine, shall be supplied at the next succeeding elections for constables in the said townships, boroughs and wards.

*ACT of April 21, 1846.* Pamph. Laws, 424.

*An act regulating Election Districts.*

(40.) SECT. XLIV. That it shall be lawful for the qualified citizens of the city and county of Philadelphia to vote for canal commissioner on the same ticket with other State officers.

*ACT of March 13, 1847.* Pamph. Laws, p. 296.

(41.) SECT. I. [Perry county to elect one person to fill the offices of prothonotary and clerks of the Court of Oyer and Terminer and General Quarter Sessions, and one person to fill the offices of Register of Wills, Recorder of Deeds and Clerk of the Orphans' Court.]

*ACT of April 5, 1848.* Pamph. Laws p. 354.

(42.) SECT. III. That the sixth section of the Act of March 31st, 1825, entitled "An Act for dividing the city of Philadelphia into fifteen wards, and providing for the choice of judges of the general election, and for other purposes, be and the same is hereby repealed. [Relative to officers of the city of Philadelphia acting as election officers.]

*ACT of April 7, 1848.* Pamph. Laws, p. 367.

(43.) SECT. XXX. That hereafter the qualified voters of the county of Warren shall, at the proper election, elect one person to serve as prothonotary and Clerk of the Courts, and one person to serve as Register, Recorder and Clerk of the Orphans' Court for said county.

*ACT of April 7, 1848.* Pamph. Laws, p. 368.

(44.) SECT. XXXVI. [Crawford county to elect one person to fill the office of prothonotary, one person to fill the office of clerk of the several courts of Quarter Sessions, and Oyer and Terminer, and Orphans' Court.]

*ACT of April 8, 1848.* Pamph. Laws, p. 418.

(45.) SECT. I. [Northampton county to elect one person to fill the office of prothonotary, and one person to fill the office of clerk of the Court of General Quarter Sessions and Oyer and Terminer.]

*ACT of April 6, 1848.* Pamph. Laws, p. 357.

*A further supplement to "An act to incorporate the Kensington District of the Northern Liberties."*

(46.) SECTS. I—VI. [Boundaries of the district. Eighth Ward erected. Three additional commissioners to be elected. Place of election. Duty of county commissioners relative to the elections.]

*ACT of April 10, 1848.* Pamph. Laws, p. 461.

(47.) SECT. VI. [The district of Penn, in the county of Philadelphia, divided into two precincts. Elections therein regulated.]



*ACT of April 11, 1848. Pamph. Laws, p. 476*

(48.) SECT. V. That the county commissioners of the city and county of Philadelphia be and they are hereby directed and required, upon the application of any inspector of elections of any ward or district in the city or county aforesaid, to furnish the said inspector with a certified copy of all persons assessed in the wards or districts to which the said inspector belongs, who have not paid a state or county tax for two years preceding such application: Provided, That nothing in this section shall be construed to disqualify any person from voting, whose receipt for a state or county tax may bear a date subsequently to the making out of said list.

*ACT of April 11, 1848. Pamph. Laws, p. 512.*

*A further Supplement to an act, entitled "An Act relating to the elections in this Commonwealth."*

(49.) SECT. I. That the election for electors of President and Vice President of the United States, shall, in the year of our Lord one thousand eight hundred and forty-eight, and every fourth year thereafter, be held on the Tuesday next after the first Monday of November.\*

SECT. II. Every year in which the citizens of this Commonwealth shall vote for electors of President and Vice President of the United States, the assessors of the several wards, townships, incorporated districts and boroughs within this Commonwealth, except within the city and county of Philadelphia, shall, at all reasonable times after the second Tuesday in October in said years, and until within ten days of the time fixed by law for the election of electors of President and Vice President of the United States, on the personal application of any white freeman claiming to be assessed within their proper ward, township, incorporated district, or borough, or claiming a right to vote therein, as being between the ages of twenty-one and twenty-two years, and having resided in this Commonwealth one year, enter the name of such person on the list of taxable inhabitants; and said assessors shall, at least eight days previous to the day fixed for the election of said electors, make out duplicate copies of the name or names so entered, and after certifying and signing the same, shall deliver one copy to the commissioners of their respective counties, to be filed by said commissioners in their respective offices, and the other copy said assessors shall hold and hand over, without alteration or addition, to one of the inspectors of the proper election district, on or before eight o'clock on the morning of the day fixed for the election of said electors.

SECT. III. The respective assessors shall be paid for the various duties required by this act, the same compensation, to be fixed in the same way, as is allowed and fixed by the twelfth section of the act, passed the thirteenth day of June, in the year of our Lord one thousand eight hundred and forty, entitled "A supplement to an act, entitled 'An act relating to the elections of this Commonwealth.'"

SECT. IV. It shall be the duty of the assessors and the judges and inspectors of elections in the several wards and townships of the city and county of Philadelphia, to meet at the place of holding their respective township or ward elections, fifteen days previous to each election of electors of President and Vice President of the United

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\* *ACT of Congress, of June 23, 1845.*

SECT. That the electors of President and Vice President shall be appointed in each State on the Tuesday next after the first Monday in the month of November in the year in which they are to be appointed. Provided, That each state may by law provide for the filling of any vacancy or vacancies which may occur in its college of electors when such college meets to give its electoral vote. And provided also, when any State shall have held an election for the purpose of choosing electors, and shall fail to make a choice on the day aforesaid, then the electors may be appointed on a subsequent day in such manner as the State shall by law provide.

States, and said assessors and inspectors shall, then and there, upon personal application, add to the list of taxable inhabitants the names of all such citizens as are constitutionally qualified to vote, who may have moved into their respective wards after the second Tuesday in October of said year, or who may have been omitted by the assessor: in performing the duties required by this act, said assessors, and the judges and inspectors of elections, shall be governed by the provisions, and shall be allowed the compensation specified in the resolution of the twenty-sixth of April, in the year of our Lord one thousand eight hundred and forty-four, entitled "Resolution to authorize the county commissioners of Philadelphia county to borrow money, and for other purposes.

*ACT of March 5, 1847. Pamph. Laws, p. 462.*

(50.) [Sullivan county erected,—County officers, how to be elected—to be attached to the thirteenth Congressional district, and to the twelfth Senatorial district—and the counties of Sullivan, Lycoming, Clinton and Potter jointly to elect two members of the House of Representatives of the State.]

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## NOTES.

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No other questions can be put to a voter, by a judge or inspector, than such as tend to show whether or not he is possessed of the qualifications required by the act of Assembly.—3 Yeates, 347.

The tax must have been personally assessed on the voter, the requisite time before the election; it is not sufficient that there has been a general assessment laid, his portion of which he has paid.—2 Serg't and R. 267.

An action cannot be maintained against the inspector of an election for refusing to receive a vote, unless malice be shown, which, however, need not be expressly proved, but may be inferred from circumstances. By malice, is meant the refusal of a vote from improper motives, and contrary to the inspector's own opinion.—11 Serg't. and R. 35.

**ELECTION DISTRICTS.**—The term "election district," as employed in the constitution and the act of 2d July, 1839, signifies any part of a city or county having fixed boundaries within which the citizens residing therein must vote; and a citizen must have resided in the district where he offers to vote, at least ten days before the election. A ward in the city of Philadelphia, is, in this sense, an election district.—M'Daniels' case, in Quar. Sess. of city and co. of Philadelphia, 1844, Pa. Law Journal, vol. 3, p. 310.

**RESIDENCE.**—Residence is a question of intention; but to constitute a change of residence, there must be an actual removal.—Same case.

**MODE OF VOTING.**—A ticket having the name of the candidate on the inside, and on the outside the words, "prothonotary and clerk of the several courts of Luzerne county," contained a sufficient designation for the office "of prothonotary of the Court of Common Pleas, and clerk of the court of Quarter Sessions, Oyer and Terminer, and Orphans' Court of the county of Luzerne," the said offices being filled by one person. Decided in 1843, by the Court of Common Pleas, of Luzerne county.—Penna. Law Jour. vol. 3, p. 155.

Tickets containing in the inside the name of the person voted for, and on the outside the words, "prothonotary, register, recorder, &c." contained a sufficient designation of the offices of prothonotary, and clerks of the several courts, and register of wills, and recorder of deeds; the said offices being filled by one person. Decided in 1843, by the Court of Common Pleas of Clinton county.—Penna. Law Jour. vol. 3, p. 160.

**CONTESTED ELECTIONS.**—Where a petition contesting the election of a prothonotary, signed by thirty-five qualified electors, (the Act of Assembly requiring thirty,) with the proper affidavit, and duly filed with the prothonotary, within ten days after the election;



and when the court sat, and before the subject was taken up, ten of those petitioners presented to the court another petition, stating that their names had been procured to the contesting petition by falsehood and deception, and praying that they might withdraw them, and declaring that they did not and would not contest the election; it was held by the court, that the jurisdiction of the court had attached from the time the petition was filed, and that the court should proceed in the matter. Decided in 1843, by the Court of Common Pleas of Clinton county.—Penna. Law Jour. vol. 3, p. 166.

When a person has voted illegally, he is bound to disclose on oath for whom he voted, or the fact may be proved otherwise; and when it is ascertained for whom he voted, that vote must be taken from the candidate for whom it was polled.

But a qualified voter cannot be compelled to disclose for whom he voted. Opinion of Parsons, Justice, in the Quarter Sessions for the city and county of Philadelphia, April 25, 1844.—Penna. Law Jour. vol. 3, p. 310.

To reject an illegal vote, it must be shown for whom it was polled, and it cannot be taken from the candidate who received a majority of the votes, unless it be proved that the vote was polled for him.—Same case.

Before the act of April 26, 1844, a person otherwise entitled to vote, removing from one ward or township to another, within ten days before the election, lost his right to vote at that election.—Same case. See the act of April 26, 1844, amending the law, above, p. 57.

**WAGERS ON ELECTIONS**—Wagers fairly won are recoverable, unless founded on a transaction that is immoral, indecent, or illegal.—1 Bro. Rep. 171.

Money bet on the event of an election, and deposited with a stakeholder, may be recovered back, if the demand be made before the money is paid over to the winner, though after the result of the election is known.—16 Sergt. and R. 147.

An action cannot be maintained in Pennsylvania to recover a sum of money alleged to have been lost by the defendant to the plaintiff upon a wager or bet.—6 Whart. Rep. 176.

And in an action against the drawer of a check upon a bank, evidence is admissible on the part of the defendant, to prove that the check was drawn in pursuance of an agreement, by which a sum of money was bet by the defendant with the plaintiff, upon a certain event; and such consideration being proved, the defendant is entitled to a verdict.—6 Whart. Rep. 176.

All contracts whatever, founded upon a wager or bet, on the event of a public election, are made void by the Act of Assembly.—7 Watts Rep. 294.

Where an order was given by the defendant upon the plaintiff, for the delivery of certain goods to A. in the event of a majority for a certain candidate for Governor, in a certain county, and the event happened, and the goods were delivered to A. by the plaintiff; it was held by the court, that he could not recover from the defendant, the value of the goods so delivered.—7 Watts. Rep. 294.

A notice to a stakeholder not to pay over money deposited in his hands upon an illegal wager, must come from the owner of the money; a notice from the person who made the bet and deposited the money on behalf of the owner, *said* by the court to be insufficient.—2 Watts and Serg't. 59.

An agreement between the parties to an illegal wager, by which it is to take the shape of a sale, on the event of a loss by one of them, does not render the contract valid.—7 Watts' Rep. 343.

A. the winner of a bet on the gubernatorial election of 1841, brought suit against B. the stakeholder, who had refused to deliver up the money after the loser had directed him to pay it to the winner or his order. Held by the court, that since the act of 2d July, 1839, relating to elections, the plaintiff could not recover, either the whole sum deposited, or the share deposited by himself. In the District Court for the city and county of Philadelphia, Justice Petit, 1844.—Penna. Law Journal, vol. 3, p. 388.

Upon a deposit being made to secure a bet on an election, the money *eo instanti* vests in the guardians of the poor, and their omission to sue for it within the time limited by statute, does not give to either of the wagering parties, the right to recover any part of the sum deposited.—Same case.

In an action by the loser against the winner of a bet made on the gubernatorial election: held by the court, that the plaintiff could not recover money paid over by the stakeholder; before notice not to pay, such a payment being a voluntary payment; and if shown to be against morality, the parties being in *pari delicto*, the law will assist neither. In Common Pleas of Lancaster County, Lewis, Justice, 1844.—Penna. Law Jour. vol. 3, p. 413.

Money contributed by individuals, and deposited in the hands of a stakeholder, as a wager upon the event of an election, cannot be recovered back upon a joint action by the contributors.—3 Watts' and Serg't, p. 405.

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